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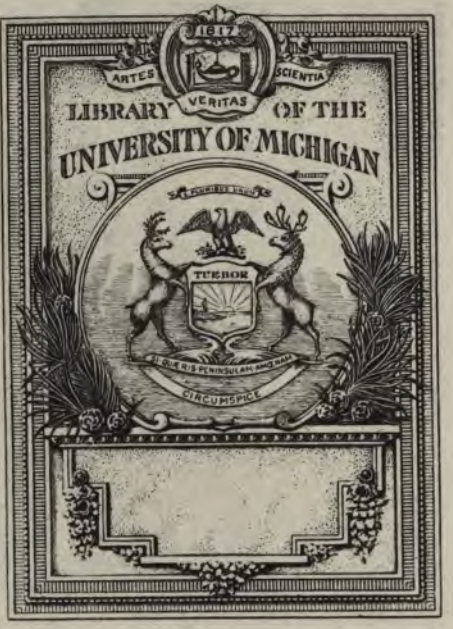
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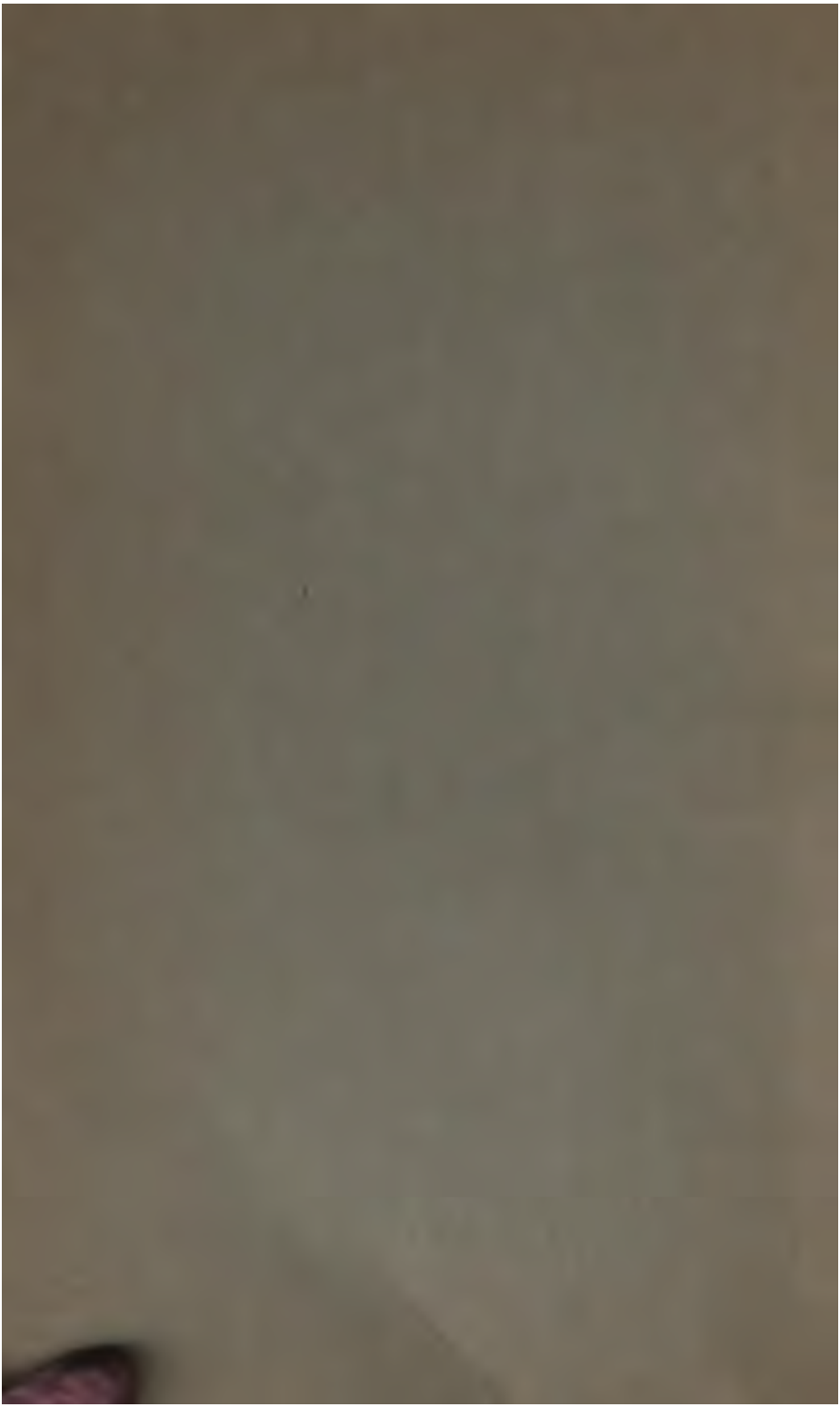

UNIV. OF MICH.

CENTRAL HOUSE.
ADRIAN, MICHIGAN.

11000

THE

SCHOOL LAWS OF MICHIGAN,

WITH

NOTES AND FORMS:

TO WHICH ARE ADDED DESIGNS FOR

SCHOOL-HOUSES, AND STYLES OF FURNITURE.

PUBLISHED BY AUTHORITY.

ORAMEL HOSFORD,

SUPERINTENDENT OF PUBLIC INSTRUCTION.

LANSING:
W. S. GEORGE & CO., PRINTERS TO THE STATE.
1869.

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INTRODUCTORY NOTE.

OFFICE OF PUBLIC INSTRUCTION,
August, 1869.

IT becomes the duty of the Superintendent of Public Instruction to publish a new edition of the school laws; the last edition being exhausted. The radiçal changes which have been made in these laws since they were published, also make this revision and publication necessary. Nearly eighty sections have been added, amended or repealed, since the edition of 1864 was issued.

The statutes of the State provide that the laws relating to Primary Schools shall be prepared and printed under the supervision of the Superintendent, as will be seen from the following sections, which define his duties:

Sec. 3. He shall prepare and cause to be printed, with the laws relating to Primary Schools, all necessary forms, regulations, and instruments [instructions] for conducting all proceedings under said laws, and transmit the same, with such instructions relative to the organization and government of such Schools, and the course of studies to be pursued therein, as he may deem advisable, to the several officers entrusted with their care and management.

Sec. 4. School laws, forms, regulations, and instructions shall be printed in pamphlet form, with a proper index, and shall have also annexed thereto a list of such books as the Superintendent shall think best adapted to the use of the Primary Schools, and a list of books suitable for township libraries, with such rules as he may think proper for the government of such libraries.

The codification of the substance of the laws, which was published in the last edition, has been omitted, as it is believed to have been seldom referred to, and is, therefore, of little practical benefit; but the notes have been thoroughly revised, to meet the changes in the law, and the numerous questions that have from time to time arisen as to its intent and meaning. Probably nine-tenths of the notes in the book have been suggested by letters received from school officers requiring an explanation of the points involved. The notes, therefore, are not merely a dissertation upon the law, but an exposition of actual questions.

In this volume will be found the law creating the office of County Superintendent, with which every school officer should be familiar; and the law for a tax on dogs, which may be made an important source of revenue to the schools.

The *Forms* for use of school officers have been revised to meet the changes in the law.

Special attention has been given to the subject of school architecture. Nothing adds more to the attractiveness of the rural districts of the State than the beautiful school-houses, with ample grounds, well fenced, graded, and surrounded with trees. Who cannot bear witness to the exalted opinion of the people which a traveler at once entertains when he passes such an evidence of their thrift, taste, and love of intelligence?

The attention of those interested in building school-houses is particularly called to what is said on the subject of ventilation. To secure an abundance of pure air in constant supply, costs but a trifle. Its value to teachers and children is as great as is good health and vigorous energy. Should a catalogue of the nervous and other diseases generated in the school-room by the constant breathing of an atmosphere impregnated with death, be made, it would be found a fearful one. Plans are presented in this volume which will relieve the school-room of this great evil.

So little attention has been given to previous recommendations of text books for the schools, and as the different series

of books are so well known in the State, it is not deemed important to publish a list. Two or three series are so similar, and nearly or quite equal in value, it is not so important that a particular series should be introduced, as that there should be a uniformity of text books.

The State Board of Education revised and published a list of library books, for several years; but so few books were purchased from the list, no bookseller was found ready to make a bid to furnish the books at reduced rates; and the Board, therefore, found that their labor was valueless; and as the publication and circulation of the prepared lists incurred a large expense,—amounting to several hundred dollars,—it was thought best not to publish any more. For the same reasons no list of library books will be printed in this volume.

Care has been taken to make this work so complete in the text of the law, and in the explanatory notes, forms, &c., that school officers will find it no very difficult matter to understand their duty. But to this end a careful study of the book will be necessary. Many letters are received every year, asking information which might have been found by a simple reference to the index. Still, questions will sometimes arise, the solution of which may not be found in the book; and all letters to the office of Public Instruction, pertaining to school affairs, are always promptly answered.

A full index, at the close of the book, will enable the reader to find the law upon any point to which the attention may be called.

A copy of this volume will be furnished to each district, township and county officer concerned in the administration of the school laws, to be used by him during his term of office, and at the expiration thereof to be delivered to his successor.

O. HOSFORD,
Superintendent of Public Instruction.

PROVISIONS OF THE CONSTITUTION RELATIVE TO EDUCATION.

Article Thirteen of the Constitution of Michigan, under the head "Education," makes the following provisions:

SECTION 1. The Superintendent of Public Instruction shall have the general supervision of public instruction, and his duties shall be prescribed by law. Superintendent.

Sec. 2. The proceeds from the sales of all lands that have been or hereafter may be granted by the United States to the State, for educational purposes, and the proceeds of all lands or other property given by individuals, or appropriated by the State for like purposes, shall be and remain a perpetual fund, the interest and income of which, together with the rents of all such lands as may remain unsold, shall be inviolably appropriated and annually applied to the specific objects of the original gift, grant or appropriation. School fund. Perpetual.

Sec. 3. All lands, the titles to which shall fail from a defect of heirs, shall escheat to the State; and the interest on the clear proceeds from the sales thereof, shall be appropriated exclusively to the support of primary schools. Escheats.

Sec. 4. The Legislature shall, within five years from the adoption of this Constitution, provide for and establish a system of primary schools, whereby a school shall be kept without charge for tuition, at least three months in each year, in every school district in the State; and all instruction in said schools shall be conducted in the English language. Free schools to be provided.

(*Section* 4.) The Legislature of 1869 has, at length, complied with this requirement: Districts with less than thirty children must have three months free school; with from thirty to eight hundred children, they must have five months; and with over eight hundred children, nine months.

District schools.

Penalty for not having school.

Sec. 5. A school shall be maintained in each school district at least three months in each year. Any school district neglecting to maintain such school, shall be deprived for the ensuing year of its proportion of the income of the primary school fund, and of all funds arising from taxes for the support of schools.

Regents of University.

Sec. 6. There shall be elected in each judicial circuit, at the time of the election of the judge of such circuit, a Regent of the University, whose term of office shall be the same as that of such judge. The Regents thus elected shall constitute the Board of Regents of the University of Michigan.

Regents a body corporate.

Sec. 7. The Regents of the University, and their successors in office, shall continue to constitute the body corporate, known by the name and title of "The Regents of the University of Michigan."

Regents elect President of University.

Supervision.

Sec. 8. The Regents of the University shall, at their first annual meeting, or as soon thereafter as may be, elect a President of the University, who shall be *ex officio* a member of their board, with the privilege of speaking, but not of voting. He shall preside at the meetings of the Regents, and be the principal executive officer of the University. The Board of Regents shall have the general supervision of the University, and the direction and control of all expenditures from the University Interest Fund.

State Board of Education.

Sec. 9. There shall be elected at the general election in the year one thousand eight hundred and fifty-two, three members of a State Board of Education—one for two years, one for four years, and one for six years; and at each succeeding biennial election there shall be elected one member of such Board, who shall hold his office for six years. The Superintendent of Public Instruction shall be *ex officio* a member and secretary of such board. The board shall have the general supervision of the State Normal School, and their duties shall be prescribed by law.

(*Section* 5.) "Taxes for the support of schools." This can only be construed to mean all taxes raised for the payment of teachers—including the two mill tax, and district taxes for teachers' wages; but not taxes for building purposes, and the like.

Sec. 10. Institutions for the benefit of those inhabitants who are deaf, dumb, blind or insane, shall always be fostered and supported. Asylums.

Sec. 11. The Legislature shall encourage the promotion of intellectual, scientific and agricultural improvement; and shall, as soon as practicable, provide for the establishment of an agricultural school. The Legislature may appropriate the twenty-two sections of salt spring lands now unappropriated, or the money arising from the sale of the same, where such lands have been already sold, and any land which may hereafter be granted or appropriated for such purpose, for the support and maintenance of such school, and may make the same a branch of the University, for instruction in agriculture and the natural sciences connected therewith, and place the same under the supervision of the Regents of the University. Agricultural School.

Sec. 12. The Legislature shall also provide for the establishment of at least one library in each township; and all fines assessed and collected in the several counties and townships for any breach of the penal laws, shall be exclusively applied to the support of such libraries. Township libraries.

(*Section* 12.) This provision of the Constitution is practically nullified by the present law, which leaves the libraries—both township and district—without any reliable means of support; and the receipts from fines are very often "exclusively applied" to other purposes.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

By an act approved April 4th, 1851, (page 708 compiled laws,) the duties of the Superintendent of Public Instruction are thus defined:

Superintendent to have general supervision.

SECTION 1. The Superintendent of Public Instruction shall have general supervision of Public Instruction, and it shall be his duty, among other things, to prepare annually, and transmit a report to the Governor, to be transmitted by him to the Legislature at each biennial session thereof, containing:

1. A statement of the condition of the University, and its branches, of all incorporate Literary Institutions, and of the Primary Schools;

2. Estimates and amounts of expenditures of the School money;

3. Plans for the improvement and management of all educational funds, and for the better organization of the educational system, if in his opinion the same be required;

4. The condition of the Normal School;

5. All such other matters relating to his office, and the subject of Education generally, as he shall deem expedient to communicate.

Report to embody abstracts of reports of Inspectors.

SEC. 2. He shall make all necessary abstracts of the reports of School Inspectors, transmitted to him by the clerks, and embody so much of the same in his report as may be necessary.

To prepare forms, regulations, etc.

SEC. 3. He shall prepare and cause to be printed, with the laws relating to Primary Schools, all necessary forms, regulations, and instruments [instructions] for conducting all proceedings under said laws, and transmit the same, with such instructions relative to the organization and government of such schools, and the course of studies to be pursued therein, as he may deem advisable, to the several officers entrusted with their care and management.

Sec. 4. School laws, forms, regulations and instructions shall be printed in pamphlet form, with a proper index, and shall have also annexed thereto, a list of such books as the Superintendent shall think best adapted to the use of the Primary Schools, and a list of books suitable for township libraries, with such rules as he may think proper for the government of such libraries.

School laws, forms, etc., to be printed.

Sec. 5. He shall annually, on receiving notice from the Auditor General of the amounts thereof, apportion the income of the Primary School Fund among the several townships and cities of the State, in proportion to the number of scholars in each between the age of five and twenty years, as the same shall appear by the reports of the several township Inspectors of Primary Schools, made to him for the year last closed.

Apportionment of Primary School Fund.

Sec. 6. He shall prepare annually a statement of the amount, in the aggregate, payable to each county in the State from the income of the Primary School Fund, and shall deliver the same to the Auditor General, who shall thereupon draw his warrant upon the State Treasurer in favor of each county, for the amount payable to such county.

To furnish Auditor General with annual statement of the amount payable to each county.

Sec. 7. He shall also send written notices to the clerks of the several counties, of the amount in the aggregate, to be disbursed in their respective counties, and the amount payable to the townships therein, respectively; which notice shall be disposed of as directed by an act entitled "An act to amend chapter fifty-eight of the revised statutes of one thousand eight hundred and forty-six," approved March twenty-eight, one thousand eight hundred and fifty. [That is, file the same in his office, and deliver a copy to the County Treasurer. See section 112.]

Notice to County Clerk of amount to be disbursed in each county.

Sec. 8. Whenever the returns from any county, township or city, upon which a statement of the amount to be disbursed or paid to any such county, township or city, shall be so far defective as to render it impracticable to ascertain the share of public moneys which ought to be disbursed or paid to such county, township or city, he shall ascertain, by the best evidence in his power, the facts upon which the ratio of such apportionment shall depend, and shall make the apportionment accordingly.

Rates of apportionment; how ascertained when reports defective.

Inhabitant to serve notice.

Sec. 2. The said notice shall also direct such inhabitant to notify every qualified voter of such district, either personally or by leaving a written notice at his place of residence, of the time and place of said meeting, at least five days before the time appointed therefor; and it shall be the duty of such inhabitant to notify the qualified voters of said district accordingly.

Duty to serve; see section 129.

Return of notice.

Sec. 3. The said inhabitant, when he shall have notified the qualified voters as required in such notice, shall endorse thereon a return, showing such notification, with the date or dates thereof, and deliver such notice and return to the chairman of the meeting.

Notice and return to be recorded.

Sec. 4. The said chairman shall deliver such notice and return to the director chosen at such meeting, who shall record the same at length, in a book to be provided by him, at the expense of the district, as a part of the records of such district.

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new district is created, let it count on, whether whole or fractional.

3. The place of the meeting should be within the bounds of the district, and may be a private house, the consent of the owner or occupant being gained.

(*Sections* 2–4.) 1. Any taxable inhabitant who shall receive the notice mentioned in sections 1 and 2, and shall refuse or neglect duly to serve such notice, incurs a penalty of five dollars. The chairman of the first meeting, under the notice, also incurs a penalty of five dollars, for any neglect of the duty prescribed for him by section 4. *Section* 129.

2. The omission to notify one or several persons not known to be residents of the district, will not invalidate the action of the majority of the legal voters in organizing the district, if there was no fraudulent intent in the omission.

3. The returns endorsed upon the notice, or attached to it, must show the names of all the persons notified, and the date of each one's notification.

4. The persons to be notified under the term "qualified voters," in sections 2 and 3, are every resident of the district who is an elector at a township meeting, and every person liable to pay a district tax, whether male or female. *Section* 145.

Sec. 5. The qualified voters of such district, when assembled pursuant to such previous notice, and all existing districts, at their annual meeting in the year one thousand eight hundred and fifty-nine, shall elect from the qualified voters of such district, a moderator for three

Election of officers.

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5. The qualified voters having assembled, should organize the meeting by choosing a chairman and clerk, and the person holding the notice and return for the meeting, should deliver the same to the chairman.

6. As great importance often attaches to the record of the proceedings of meetings, this record should be invariably read to the meeting, for approval, before the adjournment.

(*Section* 5.) 1. The intention of the law is, that after the first instance, all district officers shall be elected for three years each, and that only one shall be elected each year, except in case of vacancies. Thus, when the term of office of the first assessor, which is but one year, shall expire, his successor shall be elected for three years. The first director's term of office will expire with the second year, when his successor must be elected for three years. The law allows the new officer ten days time in which to file his acceptance, and as it cannot have been designed that the district should be without one of its officers during that time, it must be held that the old officer holds his office till his successor files his acceptance, but not beyond the ten days. If the acceptance is not filed within that time, the office becomes vacant, and must be filled as provided in section 66.

2. Should any district office become vacant before the expiration of the three years, a new officer must be appointed or elected, to serve out the unexpired term. *See section* 66.

3. As the law provides that the annual meeting of each school district shall be held the first Monday of September, the time intervening between the first meeting of a newly organized district, and the first Monday in the following September, must be counted as one year in the terms of office.

years, a director for two years, and an assessor for one year; and on the expiration of their respective terms of office, and regularly thereafter, their several successors shall be elected for a term of three years each. Within ten days after their election, these several officers shall file with the director a written acceptance of the offices to which they shall have been respectively elected, which shall be recorded by said director.

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4. As the officers elect of a newly organized district must file their acceptance with the director, he must necessarily file and record his own acceptance. This case of an officer filing his acceptance with himself, will also occur whenever the same director is elected two terms in succession. In ordinary cases the new director should file his acceptance with the old director. An informality in this respect will not, however, invalidate the election.

5. Section 146, passed in 1855, provides that in case the qualified voters of a newly formed district fail to elect district officers, the township board of school inspectors shall appoint such officers—as also in old districts where all the offices become vacant, or where the district persistently neglects to fill the offices.

6. A majority of the qualified voters voting is necessary to a valid election of any officer.

7. The election may be either by ballot or by voice, but in either case, an accurate count should be made, to ascertain whether any candidate has a majority of all the votes given. The better and safer way is to elect by ballot.

8. In case all the offices become vacant, no special meeting can be called to elect, as provided in section 66. In such case the voters may apply to the inspectors, who may appoint as provided by section 146, or the legal voters may assemble at the usual time and place, at the next annual meeting and elect a successor to the officer whose term would expire that day, and fill the vacancies for the unexpired terms.

Sec. 6. Every such school district shall be deemed duly organized, when any two of the officers elected at the first meeting shall have filed their acceptance as aforesaid. When a district is deemed organized.

Sec. 7. In case the inhabitants of any district shall fail to organize the same in pursuance of such notice as aforesaid, the said clerk shall give a new notice in the manner hereinbefore provided, and the same proceedings shall be had thereon as if no previous notice had been delivered. New notice in case of failure to organize.

Sec. 8. Every school district organized in pursuance of this chapter, or which has been organized and continued under any provision of law of the State or territory of Michigan, shall be a body corporate, and shall possess the usual powers of a corporation for public purposes, by the name and style of "School District Number ——, (such number as shall be designated in the formation thereof by the inspectors,) of ———," (the name of the township or townships in which the district is situated,) and in that name shall be capable of suing and being sued, and of Corporate powers of districts.

(*Section* 6.) 1. Should the officers elected be present and file their acceptances, the district may be considered duly organized; but it has been held that, as the meeting was called for the sole purpose of organizing, no further business can be transacted. A special meeting should be called, as provided in section 12, to transact whatever business may be necessary for the establishment of a school.

2. Persons elected to district offices, and neglecting or refusing, without sufficient cause, to file their acceptance or serve in office, forfeit the sum of ten dollars. *Section* 130.

3. No person can act legally as an officer until after his acceptance has been properly filed. (See form No. 4.) In case of failure to file an acceptance within ten days after the election, the office is to be considered vacant.

(*Section* 7.) If, after the second notice, the inhabitants fail to organize, the inspectors may proceed to complete the organization by appointing officers, as provided in section 146. (See form 15.)

holding such real and personal estate as is authorized to be purchased by the provisions of this chapter, and of selling the same.

Director's record evidence.

Sec. 9. The record made by the director, as required by the fourth section of this chapter, shall be *prima facie* evidence of the facts therein set forth, and of the legality of all proceedings in the organization of the district prior to the first district meeting; but nothing in this section contained shall be so construed as to impair the effect of the record kept by the school inspectors, as evidence.

Presumption of legal organization.

Sec. 10. Every school district shall, in all cases, be presumed to have been legally organized, when it shall have exercised the franchises and privileges of a district for the term of two years.

DISTRICT MEETINGS.

Annual meeting.

Sec. 11. The annual meeting of each school district shall be held on the first Monday of September, in each year, and the school year shall commence on that day.

(*Section* 11.) 1. If the annual meeting is not held on the day specified in this section, no annual meeting can be held during the year; but a special meeting may be called to fill vacancies and transact such business as may be done at a special meeting.

2. The qualified voters present at the annual meeting may adjourn the meeting to some subsequent day, and such adjourned meeting is still to be considered as the annual meeting, and authorized to do whatever is lawful to be done at any annual meeting. A notice of the time and place of the adjourned meeting should be posted by the director as required for any other meeting; but a failure, without fraudulent intention, to post such notice, will not render the meeting illegal.

3. The legal voters may, and should, assemble at the usual hour and place and hold the annual meeting, even though no notice has been given. If neither of the officers is present, the voters may appoint a chairman and clerk. (See sections 29 and 37.)

Sec. 12. Special meetings may be called by the district board, and it shall be the duty of said board, or any one of them, to call such meetings on the written request of not less than five legal voters of the district, by giving the notice required in the next succeeding section; and in all notices for special meetings, the general object of the meeting shall be stated.

Special meetings; how called.

Sec. 13. All notices of annual or special district meetings, after the first meeting has been held as aforesaid, shall specify the day, and hour, and place of meeting, and shall be given at least six days previous to such meeting, by posting up copies thereof in three of the most public places in the district; and in case of any special

Notices of meetings.

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4. There are certain powers belonging to the annual meeting, which cannot be exercised by a special meeting. (See section 24.) The decision of the annual meeting in reference to such matters as can only be decided at an annual meeting, may be reconsidered and rescinded at a special meeting called for that purpose; but no new decision can be substituted.

(*Section* 12.) 1. The district board may call a special meeting, on their own suggestion, and without the written request required in this section. Any *one* member of the board must call such meeting on the written request of five legal voters.

2. No object can be legally acted on by a special meeting, unless such object was stated in the notice of the meeting. A general statement in the notice that the meeting is "to transact such business as may be brought before it," is not sufficient. No business can be legally introduced under such notice. The objects should be those mentioned in the written request; but the board may also include other objects, and no business can be transacted save what grows legitimately out of the subjects noticed. The request of the five voters should be entered on the record of the meeting.

3. A special meeting may adjourn from time to time, in which case like notice of the adjourned meeting should be given, as was required for the first meeting, though an adjourned meeting will not be illegal without such notice.

meeting called for the purpose of establishing or changing the site of a school-house, such notice shall be given at least ten days previous thereto: *Provided*, That when any of the district board shall receive a request to call a special meeting, as provided in the preceding section, he shall forthwith give notice, as above provided, of said meeting, which shall be called in not less than six nor more than twelve days from the time the said officer shall receive the notice aforesaid.

(*Section* 13.) 1. The proviso in section 13 was added in 1869, and bunglingly attached to this section instead of section 12, where it naturally belongs, and of part of which it is mere repetition.

2. A meeting, to be legal, must be held at the place and hour specified in the notice, except that the voters first present may wait a reasonable time for others, before beginning business; but under a notice of a meeting to be held at 7 o'clock P. M., no meeting can be legally called to order and organized at 9 o'clock P. M. A meeting called to be held *at*, or *in*, the school-house, may be held on the steps if the school-house is locked.

3. Any number of legal voters assembling at the time and place designated in the notice, may proceed to business, after waiting a reasonable time for other voters, or for the officers. Half an hour after the time appointed has been held a reasonable time to wait. The meeting should certainly be organized within the hour, to make it legal. If no notice of the annual meeting has been given, it should be held, as near as may be, at the usual place and hour as in former years; but considerable latitude would be given in regard to the time, if all is done in good faith.

4. If a new body of voters appear before the meeting is adjourned, any motion or resolution already passed may be reconsidered and rescinded; but after the adjournment, neither the same, nor another body of voters, can reorganize the meeting and pass any vote that shall be binding on the district.

Sec. 14. No district meeting shall be deemed illegal for want of due notice, unless it shall appear that the omission to give such notice was willful and fraudulent. Not illegal for want of notice.

Sec. 15. This section is repealed. Section 145 takes its place.

Sec. 16. If any person offering to vote at a school district meeting shall be challenged as unqualified, by any legal voter in such district, the chairman presiding at such meeting shall declare to the person challenged the qualifications of a voter, and if such person shall state that he is qualified, and the challenge shall not be withdrawn, the said chairman shall tender to him an oath, in substance as follows: "You do swear (or affirm) that you are twenty-one years of age; that you are an actual resident of this school district, and liable to pay a school district tax therein;" and every person taking such oath shall be permitted to vote on all questions proposed at such meeting. Challenges to persons offering to vote. Oath.

Sec. 17. If any person so challenged shall refuse to take such oath, his vote shall be rejected, and any person who shall willfully take a false oath, or make a false affirmation, under the provisions of the preceding section, shall be deemed guilty of perjury. False oath to be deemed perjury.

(*Section* 14.) This must refer to the annual meeting, since no special meeting can be held without "due notice," under any circumstances. But section 12 says the annual meeting *shall* be held on the first Monday in September, and every Administration of the Department of Public Instruction has held that an annual meeting without notice is legal, whatever the cause of such omission may be. The whole provision of section 14 appears inconsistent and nugatory. (For forms of notice, see No.'s 5 and 7.)

(*Sections* 16 *and* 17.) 1. Section 145, enacted in 1867, virtually abrogates these sections, since it makes the qualifications of voters entirely different from what they were when sections 16 and 17 were enacted; and it was an evident oversight that these sections were not repealed, or the oath modified to harmonize with section 145. As it is, when a person is challenged, he should be required to make oath according to the terms of section 145. Failing to do this, his vote should be rejected.

When challenge may be made.

Sec. 18. When any question is taken in any other manner than by ballot, a challenge immediately after the vote has been taken, shall be deemed to be made when offering to vote, and treated in the same manner.

Powers of voters at meetings.

Sec. 19. The qualified voters in such school district, when lawfully assembled, shall have power to adjourn from time to time, as may be necessary; to designate a site for a school-house, by a vote of two-thirds of those present, and to change the same by a similar vote, at any regular meeting.

When Inspectors to determine site.

Sec. 20. When no site can be established by such inhabitants as aforesaid, the school inspectors of the township or townships in which the district is situated shall determine where such site shall be, and their determination shall be certified to the director of the district, and shall be final; subject to alteration afterward by the inspectors, on the written request of a majority of the qualified voters of the district.

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2. When any vote is received on the oath or affirmation of the voter, the name of such voter, together with the statement of his having sworn or affirmed his right to vote, should be entered in the record of the meeting.

(*Sections* 19 *and* 20.) 1. The site should be designated by its boundaries; or if this is impracticable, by general description, in which latter case the board, or a committee, should, by a like two-thirds vote, be directed to fix the precise boundaries; the quantity of land being agreed upon.

2. When the inhabitants cannot agree upon a site, the voters should instruct the director immediately to notify the inspectors of the fact. The law, however, does not prevent the inspectors from taking action without such notice. It is believed that, after repeated trials and failures of the district to agree, the inspectors may act; but, once established by the inspectors, the site cannot be changed by any vote of the district. Nor can the inspectors alter the site so established, except when requested by a majority of the voters. And when

Sec. 21. The said qualified voters shall also have power, by the vote of a majority present and voting at any such meeting, to direct the purchasing or leasing a site determined upon under the preceding sections nineteen or twenty, and the building, hiring, or purchasing of a school-house, or the enlarging of a site previously established. Purchasing site, etc.

Sec. 22. The amount of taxes to be raised in any district, for the purpose of purchasing or building a school-house, shall not exceed the sum of one thousand dollars in any one year, unless there shall be more than fifty children between the ages of five and twenty years residing therein. Limitation of tax for school-houses.

Sec. 23. Such qualified voters, when assembled as aforesaid, may, from time to time, impose such tax as shall be necessary to keep their school-house in repair, and to provide the necessary appendages, and to pay and discharge any debts or liabilities of the district lawfully incurred; may raise a sum not exceeding twenty dollars in any one year for the purchase of books of reference, globes, Tax for repairs, and for apparatus, etc.

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such request is made, they are not bound by the wish of said majority as to the location. If so, the law might just as well have let a majority, instead of two-thirds of the voters, establish the site in the first instance.

3. It is provided in section 153, that in case of districts having more than 300 children, when two-thirds of the voters cannot agree upon a site, a majority of the voters present may instruct the district board to locate such site.

(*Section* 21.) 1. This is as amended in 1869, abolishing the rate-bill for fuel, leaving that to be provided for by tax, like all other expenses.

2. While a two-thirds vote is requisite to establish a site, it may be enlarged by a vote of the majority.

3. For limitations of power to lease sites and build school-houses, see section 59.

(*Section* 22.) Districts having over fifty children may borrow money and issue bonds of the district, for building purposes. (See section 166.)

maps, or any apparatus for the purpose of illustrating the principles of astronomy, natural philosophy, natural history, and agricultural chemistry, or the mechanic arts.

Powers of annual meetings.

Sec. 24. They shall also determine, at such annual meeting, the length of time a school shall be taught in their district during the ensuing year; which shall not be less than nine months in districts having eight hundred children over five and under twenty years of age, and not less than five months in districts having from thirty to eight hundred children of like ages, nor less than three months in all other districts, on pain of forfeiture of their share of the two-mill tax and primary school fund; and whether by male or female teachers, or both; and it shall be the duty of the district board to estimate the amount necessary to be raised, in addition to other school funds, for the entire support of such school, including fuel and other incidental expenses, and previous to the second Monday in October, make a written report of the amount so determined, to the supervisor of the township in which any part of said district may be situated; and the same shall be levied, collected, and returned in the same manner as township taxes. A school month, within the meaning of this act, shall consist of four weeks, of five days in each week, unless otherwise specified in the teachers' contract.

School month.

(*Section* 23.) 1. "When assembled as aforesaid;" that is, at any legal meeting.

2. A globe and outline maps are indispensable to teaching geography. A numeral frame and a set of mathematical solids, with some of the weights and measures, are equally important in primary arithmetic.

3. Books of reference may embrace a large dictionary, a gazetteer, a general cyclopedia, dictionaries of dates, of biography, and any other books useful for reference in the studies of the school.

4. "Appendages" will include chairs, tables, or desks; pails, brooms, and anything necessary for the convenience and comfort of the school.

Sec. 25. In case any of the matters in the preceding section mentioned are not determined at the annual meeting, the district board shall have power and it shall be their duty to determine the same. When district board may determine.

(*Sections* 24 *and* 25.) 1. Section 24 is as amended by an act approved April 3d, 1869. Districts with less than 30 children on the census list must have three months school; those with 30 to 800 children must have five months school, and those with over 800 children must have nine months school, on pain of losing their two-mill tax and primary school money. At the annual meeting, districts may vote to have as much more school as they choose, but whatever they have, there can be no longer a rate-bill.

2. It is evidently the intention of the law to limit the power of the district to decide the questions in section 24, strictly to the annual meeting. If left undecided at the annual meeting, they pass entirely under the control of the district board, under section 25. A special meeting, called for that purpose, may pass an advisory vote, but the power to determine will still rest with the district board.

3. It has been held that a special meeting, called for that purpose, may reconsider and repeal the votes of the annual meeting, authorized by section 24, and, should circumstances arise absolutely requiring the repeal of those votes, a special meeting should be called for that purpose. But the power of the special meeting would still be limited to a repeal. The action of the annual meeting being set aside, the determination of the matter rests in the hands of the district board, as would have been the case if the annual meeting had not voted.

4. Section 24 defines what shall be a "school month," in the absence of any written agreement upon the subject, but does not prohibit the board from agreeing with a teacher upon a different number of days.

Voters may direct sale of property.

Sec. 26. Said qualified voters may also, at any regular meeting, authorize and direct the sale of any schoolhouse, site, building, or other property belonging to the district, when the same shall no longer be needed for the use of the district.

Directions in regard to suits.

Sec. 27. They may also give such directions and make such provisions as they shall deem necessary, in relation to the prosecution or defense of any suit or proceeding in which the district may be a party, or interested.

Right to attend school.

Sec. 28. All residents of any district shall have an equal right to attend any school therein: *Provided*, That this shall not prevent the grading of schools, according to the intellectual progress of the pupils, to be taught in separate places when deemed expedient.

Moderator.

Sec. 29. The moderator shall have power, and it shall be his duty to preside at all meetings of the district, to countersign all orders upon the assessor for moneys

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(*Section* 27.) If the voters do not choose that the assessor shall appear for the district in any suit, they may direct, under this section and section 36, what person shall appear, and may employ counsel and vote taxes to carry on the suit.

(*Section* 28.) This gives no person any absolute right to attend any school; but gives to any one person all the rights enjoyed by any others. A resident of the district, of whatever age, or nation, or color, has an equal right with all others, to attend school free. This, however, will not prevent the board from excluding, by a general rule, such as are *not fit subjects* of common school education: as those who are blind, who have contagious disease, whose character is such as to endanger the morals of the pupils, children under five (we would not object to saying seven) years of age, &c.; but it does, and was expressly designed to, prohibit the establishing of caste schools, and the exclusion of colored children from all the school privileges enjoyed by white children. A recent decision of the supreme court settles this fact.

(*Section* 29.) 1. The moderator does not lose his rights as a voter, by reason of his presiding at the meetings. He has a

to be disbursed by the district, and all warrants of the director upon the township treasurer for moneys raised for district purposes, or apportioned to the district by the township clerk; but if the moderator shall be absent from any district meeting, the qualified voters present may elect a suitable person to preside at the meeting.

Moderator to keep order, etc.

Sec. 30. If at any district meeting any person shall conduct himself in a disorderly manner, and, after notice from the moderator or person presiding, shall persist therein, the moderator or person presiding, may order him to withdraw from the meeting, and on his refusal, may order any constable, or other person or persons, to take him into custody until the meeting shall be adjourned.

Penalty for disturbing meeting.

Sec. 31. Any person who shall refuse to withdraw from such meeting, on being so ordered, as provided in the preceding section, or who shall willfully disturb such meeting, or any district or union school, shall be subject to the same penalty as prescribed for the disturbance of a religious assembly.

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clear right to vote in all elections, and upon all questions that arise, although it is customary for him to give his vote only in case of a tie, in all cases where the matter is to be decided by a majority. His vote may be given and counted in questions which require a two-thirds vote.

2. The moderator is not required to countersign orders if he knows that they are for an illegal use of money, as the payment of a teacher not legally qualified, or for paying library money for teachers' wages. Nor should he sign a warrant upon the town treasurer for district funds, except when drawn payable to the assessor. No moneys can be legally paid out by the district, save through the assessor. He is the sole treasurer of the district, and his accounts will exhibit the entire expenditures of the district. The assessor should keep an account with each particular fund: as *teachers' fund—library fund—incidental expense fund—building fund, &c.*

(*Section* 31.) The penalty for disturbing a religious assembly is a fine of not less than two nor more than fifty dollars, or

Assessor to pay orders.

Sec. 32. The assessor shall pay all orders of the director, countersigned by the moderator, out of any moneys in his hands belonging to the fund upon which such orders may be drawn.

When assessor to appear for district.

Sec. 36. The assessor shall appear for and on behalf of the district in all suits brought by or against the same, when no other directions shall be given by the qualified voters in district meeting, except in suits in which he is interested adversely to the district, and in all such cases the director shall appear for such district, if no other direction be given, as aforesaid.

DIRECTOR.

Director to be clerk.

Sec. 37. The director shall be clerk of the district board, and of all district meetings when present; but if he shall not be present at any district meeting, the qualified voters present may appoint a clerk of such meeting,

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thirty days in the county jail. (*Section* 1579, *Compiled Laws.*) Suit may be brought before any justice of the peace in the township. Persons disposed to make disturbance in a school should know that they incur a severe penalty.

(*Section* 32.) 1. The assessor cannot legally pay the warrants of the director, except from the proper funds. He cannot pay a warrant for teachers' wages from the library moneys, nor a warrant for building or incidental expenses from primary school moneys or two-mill tax. Nor is he obliged or permitted to pay a warrant for teachers' wages from public school moneys if he knows the teacher to be not legally qualified.

2. The assessor should not pay an order for what he believes to be an illegal object, until he can consult with the other members of the board and have the question fully investigated.

[Sections 33, 34, and 35, referring to the collection of rate-bills, were repealed, to take effect July 2d, 1869.]

(*Section* 36.) For directions for suits, &c., against school districts, see sections 122 to 128. See also section 27.

(*Sections* 37, 38.) 1. As the director's record of proceedings is *prima facie* evidence of the facts set forth in it, great care should be taken to make it a full and explicit history of the

who shall certify the proceedings thereof to the director, to be recorded by him.

Sec. 38. The director shall record all proceedings of the district, in a book to be kept for that purpose, and preserve copies of all reports made to the school inspectors, and safely preserve and keep all books and papers belonging to his office. To record proceedings, etc.

Sec. 39. The director, with the advice and consent of the moderator and the assessor, or one of them, or under their direction, if he shall not concur, shall contract with and hire qualified teachers for and in the name of the district, which contracts shall be in writing, and shall have the consent of the moderator and Contract for teacher, by director or majority of board.

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proceedings; and it should be read for correction and approval before the adjournment of the meeting.

2. The record of a special meeting should state by whom the meeting was called, and the objects mentioned in the notice, as the legality of the proceedings depends upon the legality of the call and the conformity of the proceedings to the objects stated in the notices.

3. The record of a district meeting is *prima facie* evidence of legality; but any action had at such meeting, that can be proved by positive testimony, must be held as legal.

(*Section* 39.) 1. This section gives the authority to a majority of the district board to employ teachers, whether the director is one of that majority or not. The director is merely the legal agent for making the contract, and has only an equal voice with the other members of the board in the choice of a teacher. The other officers may execute the contract if the director shall refuse. They should never proceed, however, to make and sign the contract without consulting the director. The law prefers, for the sake of regularity, that he shall make all contracts with teachers, and he has a right to do so until he refuses.

2. When not otherwise stipulated in the contract, the *month* will mean four weeks of five days each. (See section 24.)

assessor, or one of them, endorsed thereon, and shall specify the wages per week or month as agreed by the parties, and a duplicate thereof shall be filed in his office: *Provided*, That if

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Twenty consecutive days will not meet the requirements of the law. Experience has shown that five days school in each seven will generally accomplish as much in a year, or a term, as six in seven. No law but that of universal custom recognizes any exemptions for holidays; and it is therefore wise to have such holidays as may be agreed upon, specified in the contract.

3. As this section authorizes the director to contract with "qualified teachers" only, it is an implied condition of the contract that the teacher shall keep himself "qualified" in the legal sense, i. e., by holding a valid certificate from the County Superintendent, or inspectors. Should his certificate, therefore, be annulled, his contract is no longer binding. If, however, the board continue to employ him, he can still collect his pay of those that employ him, though no public money can be paid to him. The district board, as such, cannot legally employ an unqualified teacher; their action, therefore, in employing such teacher, cannot bind the district, as a district, but only those who shall send to the school taught by such teacher.

4. A district board cannot properly annul a teacher's contract without said teacher's consent. If a teacher proves incompetent or negligent, application may be made to the County Superintendent, or school inspectors, where there is no County Superintendent, and should they find sufficient cause to annul his certificate, his contract necessarily is made void. It would perhaps avoid occasional difficulties if it were agreed between the parties that the contract might be annulled by either party on giving some sufficient notice of the same.

5. It sometimes happens that a member of the district board is employed to teach the school. In such case the contract must be made and signed by the other two members. An officer cannot make a contract with himself.

the director shall refuse to make and sign such contract, when directed so to do by the moderator and assessor, then it may be made and signed by the moderator and assessor.

Sec. 40. This section, referring to rate-bill for wood, was repealed, to take effect July 2d, 1869.

Sec. 41. Within ten days next previous to the annual district meeting, it shall be the duty of the director, or such other person as the district board may appoint, to take the census of the district, and make a list, in writing, of the names and ages of all the children between the ages of five and twenty years, residing therein, and a copy of said list shall be verified by the oath or affirmation of the person taking such census, by affidavit appended thereto, or endorsed thereon, setting forth that it is a correct list of the names of all the children between the ages aforesaid, residing in the district, which affidavit may be made

To take census of district and make list under oath.

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6. It is not legal for a teacher to employ an assistant who is "unqualified," where he has taken a school and agreed to hire his own assistants. Nor is any district entitled to public money, unless all its teachers are "qualified," as the law requires.

(*Section* 41.) 1. In this census should be embraced the children actually residing in the district, and no others. Children merely attending school in the district, while their parents or guardians reside elsewhere, should not be enumerated, as they are properly enumerated in the districts in which their parents reside. But a child that has been adopted by, or is regularly apprenticed to a resident of the district, may be properly included in the school census.

2. Children in alms-houses, prisons or asylums, and not otherwise residents of the districts in which such institutions are located, should not be enumerated in the school census, nor Indian children, for whom schools are provided by the Federal Government. But if the children at the county poor-house are admitted to the district school, they may be included in the district census.

3. Children of aliens and people of color should be included in the census, if residents of the district.

before the clerk of the township; and said list shall be returned with the annual report of the director to the township clerk. Children in alms-houses, prisons, or asylums, not otherwise residents of the district and not attending the school, shall not be included in the said census, nor shall Indian children be so included, unless they attend the school, or their parents are liable to pay taxes therein.

Sections 42, 43, 44, 45, 46, and 47, providing for assessing and collecting rate-bills, were repealed, to take effect July 2d, 1869.

Director to keep school-house in repair.

Expenses; how paid.

Sec. 48. The director shall provide the necessary appendages for the school-house, and keep the same in good condition and repair during the time school shall be taught therein, and shall keep an accurate account of all expenses incurred by him as director; such account shall be audited by the moderator and assessor, and on their written order shall be paid out of any money provided by the district for such purposes.

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4. The list of names, verified by oath, as prescribed, is the evidence to the township clerk of the number of children of school ages in the district, and without such evidence he cannot report any children as entitled to public money. The school board should see, therefore, that this list is properly made out, as otherwise the district must lose its share of the primary school moneys.

(*Section* 48.) 1. The director is authorized and required to procure all needful appendages and repairs, without any vote of the district in the case. It is not optional with the district to pay such expenses. When audited by the moderator and assessor, the account becomes a valid claim against the district, and can be collected if the district fails to pay it.

2. The law has wisely empowered one officer, and made it his duty to keep the school-house in good repair. He should see to it that the windows are properly filled with glass; that the stove and pipe are in a fit condition, and suitable wood provided; that the desks and seats are in good repair; that

Sec. 49. He shall present at each annual meeting, an estimate of the expenses necessary to be incurred during the ensuing year for such purposes, and for payment for the services of any district officer; and such amount, when voted by such annual meeting, shall be assessed and collected in the same manner as other district taxes; but no tax for these purposes shall be voted at a special meeting, unless a notice of the same shall be expressed in the notice of such meeting.

Estimates of expense for coming year.

Sec. 50. He shall give the prescribed notice of the annual district meeting, and of all such special meetings as he shall be required to give notice of, in accordance with the provisions of this chapter, one copy of which for each meeting shall be posted on the outer door of the district school-house, if there be one.

Director to give notice of meetings.

Sec. 51. The director shall draw from the township library the proportion of books to which his district may be entitled, and return the same to the township library at the expiration of three months, and shall continue to draw books in like manner, at the expiration of every three months, and to return the same as aforesaid.

To draw books from township library and return the same.

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the out-houses are properly provided with doors, and are frequently cleansed; that the black-boards are kept painted, and everything is provided necessary for the comfort of the pupils and the success of the school. Under our laws, a great responsibility rests upon the director, and on his promptitude and faithfulness depends the usefulness of the school.

(*Section* 49.) Section 24, as amended in 1869, provides that the board shall estimate the amount needed for the ensuing year, "for the entire support of the school, including fuel *and other necessary expenses*," and report it to the supervisor, superceding the necessity of the districts voting the tax as in section 49. This will include any *expenses* incurred by a district officer (section 48); but they cannot report any amount for his *services* until the district has voted how much he shall be paid.

Distribution of books.

Sec. 52. He shall distribute the books drawn out by him, to to the parents or guardians of the children of the district of the proper age, for the time and under the restrictions contained in the rules prescribed by the board of school inspectors.

Director to draw and sign warrant on treasurer.

Sec. 53. He shall draw and sign warrants upon the township treasurer for all moneys raised for district purposes, or apportioned to the district by the township clerk, payable to the assessor of the district, and orders upon the assessor for all moneys to be disbursed by the district, and present them to the moderator to be signed by him.

Director to report to township clerk.

Sec. 54. The director shall also, at the end of each school year, deliver to the township clerk, to be filed in his office, a report to the board of school inspectors of the township, showing:

Contents of report.

First. The whole number of children belonging to the district between the ages of five and twenty years, according to the census taken as aforesaid;

(*Sections* 51 *and* 52.) In townships in which the district library system has been adopted, these sections have become obsolete. But in fractional districts, lying partly in townships which still have township libraries, the director may continue to draw from the township library the share of books due his district.

(*Section* 53.) 1. Mark that all warrants on the town treasurer must be drawn *payable to the assessor.*

2. As several of the funds belonging to the district cannot be used for any other than their own special objects, the director's order should specify the purpose for which the money is to be paid, and the fund,—as *teachers' wages fund, library fund,* &c., out of which it is to be paid. (See notes on sections 29 and 32.)

3. No moneys shall be drawn into the hands of the assessor till he has given the proper bonds. (See section 61.)

(*Section* 54.) 1. The director's report should be made out so as to be presented at the annual meeting, for approval or correction. The only item in the report having any reference to

Second. The number attending school during the year under five, and also the number over twenty years of age;

Third. The whole number that have attended school during the year;

Fourth. The length of time the school has been taught during the year by a qualified teacher, the name of each teacher, the length of time kept by each, and the wages paid to each;

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the annual meeting, is the name of the director for the ensuing year. Any other business of the annual meeting will refer to the next annual report, as the first Monday in September belongs in the ensuing year.

2. Three blanks for the annual report to the school inspectors are annually forwarded to each director, who should see that the same are obtained from the township clerk before the first of September. One of these he should fill up as required, and deliver immediately after the annual meeting, to the township clerk. The other two should be exact copies of the first, carefully compared; one of which is to be placed on file in his office, and the other forwarded to the "Office of Public Instruction, Lansing, Mich." By having these to compare with the inspectors' reports, errors and omissions are often discovered, by which the districts save the primary school money, when they would otherwise lose it.

3. The directors' reports not only furnish the basis for the distribution of the primary school moneys, but also the facts upon which any sound opinion can be formed of the success of the school system, and of the character and extent of the amendments which may need to be made. Directors, therefore, should use the utmost care and diligence to make their reports full and correct. A failure to make full and accurate reports may cost the district its share in the primary school moneys.

4. In fractional districts, full annual reports are only to be

Fifth. The average length of time scholars between five and twenty years of age have attended school during the year;

Sixth. The amount of money received from the township treasurer, apportioned to the district by the township clerk;

Seventh. The amount of money raised by the district, and the purposes for which it was raised;

Eighth. The kinds of books used in the school;

Ninth. Such other facts and statistics, in regard to schools and the subject of education, as the Superintendent of Public Instruction shall direct.

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made to the clerk of the township in which the school-house is situated; and this report must embrace the number of children, and the statistics of the entire district. (See section 81.) The number of children in any fractional part of the district must also be reported to the clerk of the township in which such fractional part is situated. (See section 82.)

5. Directors sometimes complain that too many details in the statistics are required of them, but they are much less in number than are obtained in several other States.

6. The law no longer requires a record of attendance to be kept by the teacher for the purpose of a rate-bill; but it must still be kept under the provisions of section 54. The teacher must keep a roll of all who are regular pupils, and each half day, mark each one present or absent. At the close of the term, add together the number of days attendance of all the pupils, and divide this sum by the number of pupils. This gives the average number of days attendance. This quotient, divided by the number of school days in a month, will give the average months attendance in the term. If there is more than one term in the year, add the averages of the several terms together and divide by the number of terms, and it will give the average for the year, as required in No. 4 of the director's report. Directors should see to it at the commencement of each term, that this record is properly kept.

DISTRICT BOARD.

Sec. 55. The moderator, director, and assessor shall constitute the district board. District board.

Sec 56. Said board shall, between the first Monday in September and the second Monday in October, in each year, make out and deliver to the supervisor of each township in which any part of the district is situated, a report in writing under their hands, of all taxes voted by the district during the preceding year, and of all taxes which said board is authorized to impose, to be levied on the taxable property of the district. District board to report taxes voted by districts, etc.

(*Section* 55.) 1. In graded or high school districts, generally called union school districts, the district board, as provided by section 148, &c., consists of six trustees.

2. A majority of the district board may exercise the powers of the board; but each member has a right to be consulted, unless he shall be absent from the district when any action must be taken.

3. Upon the ability and faithfulness of the district board, the success of the school mainly depends. The voters should bear this in mind in the election, that the taxes they pay may be made to accomplish the greatest possible good. Any woman who pays taxes is eligible to office, and districts might often do well to elect such.

(*Section* 56.) 1. The district board must include in their report the taxes voted at any special meeting during the year; but no tax that has to be voted by the district should be reported till it is finally passed upon. If the meeting that voted it is adjourned to meet at some later day, the tax should not be reported till after the adjourned meeting is held, provided the same is not beyond the said second Monday in October, unless the voters specially direct it to be reported. The supervisor can assess a tax reported to him after the said second Monday in October, but he cannot be compelled to do so.

2. The taxes which the district board are authorized to report to the supervisor without a vote of the district, are:

Purchase of books for poor children.

Sec. 57. The district board may purchase, at the expense of the district, such school books as may be necessary for the use of children admitted by them to the district school free of charge, and they shall include the amount of such purchases, [and the amount which would have been payable for fuel and teachers' wages by persons exempted from the payment thereof, together with any sums on the district rate-bills which could not be collected,] in their report to the supervisor or supervisors, to be assessed as aforesaid. They shall also prescribe the text books to be used in the school; but text books once adopted, shall not be changed within two years, except by the consent of a majority of the voters at some regular meeting. They shall have the general care of the school, and may establish all needful regulations for its management.

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the expense for books furnished to exempted persons under section 57, and the amount estimated by them for all expenses under section 24. The assessor is to report the amount of any judgment against the district. (Section 125.)

(*Section* 57.) 1. The text books purchased for indigent children are the property of the district, and should be taken care of by the district board, when not in use. (See section 65.)

2. The duty to prescribe text books is imperative, and its prompt performance is demanded by the best interests of the district.

3. Though the board cannot change the books within two years, they may add a new text book to the list, in any branch not provided for in the list first prescribed. Text books should be provided for all common branches, including, if needed, natural philosophy, physiology, and algebra.

4. No pupil can claim to receive instruction in any other text books than those prescribed by the district board; nor is the teacher at liberty to introduce any new text book without the action of the board.

5. By the amendments to the law abolishing all rate-bills, that portion of the section in brackets is without force, and the first part must be construed to authorize the board to fur-

(2301.) Sec. 58. Said board may admit to the district school non-resident pupils, and may determine the rates of tuition of such pupils, and collect the same; and they may authorize or order the suspension or expulsion from the school, whenever, in their judgment, the interests of the school demand it, of any pupil guilty of gross misdemeanor or persistent disobedience.

Non-resident pupils; expulsion.

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nish books for indigent persons, or to such as they would have furnished them under the old rate-bill system.

6. The last clause in the section gives the board large power in adopting rules for the school. This power they should exercise in the adoption of such rules as will best secure punctuality in attendance, good order in school, and the most rapid advance of pupils in intelligence.

(*Section* 58.) 1. Non-resident pupils are those whose parents or guardians are not residents of the district. Such pupils do not become resident by boarding in the district while attending school. A citizen of the district, employing temporarily a minor whose parents or guardians reside out of the district, should not report such minor in the school census, and cannot claim to send him as a resident pupil to the school. Instances have been known where persons have moved into a district and "kept house," for the sole object of attending school, intending to move away as soon as the school closed. This is held to be a mere evasion of the law, and the board has a right to consider them non-residents.

2. When a district board decide to admit non-residents to the school, they should fix at once upon the rate of tuition, that it may be announced to such pupils on entering the school.

3. The board may authorize the teacher to suspend or expel incorrigible pupils, in his discretion. An expelled pupil cannot return to the school the same term without the consent of the board. It has been decided by the legal tribunals, that a person of depraved and infamous character, as a prostitute, may be forbidden the school, even though guiltless of any offense against the rules of the school.

Board shall purchase or hire site for school-house.

Sec. 59. They shall purchase or lease a site for a school-house, as shall have been designated by the district, in the corporate name thereof, and shall build, hire, or purchase such school-house out of the fund provided for that purpose, and make sale of any site or other property of the district, when lawfully directed by the qualified voters, at an annual or special meeting: *Provided*, That the district shall not in any case build a stone or brick school-house upon any site, without having first obtained a title in fee to the same, or a lease for ninety-nine years; and also, that they shall not in any case build a frame school-house on any site for which they have not a title in fee, or a lease for fifty years, without securing the privilege of removing the said school-house when lawfully directed so to do by the qualified voters of the district, at any annual or special meeting: *Provided, also*, That the qualified voters of the district may appoint a building committee, to take charge of the work of building such school-house.

Board to apply school moneys.

Sec. 60. The district board shall apply and pay over all school moneys belonging to the district, in accordance with the provisions of law regulating the same, as may be directed by the district; but no school moneys apportioned to any district shall be appropriated

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(*Section* 59.) 1. In case the site designated cannot be purchased for the price the district offers, and in case a good and valid title cannot be obtained for any reason, section 154, &c., provides for calling a jury to determine on a price.

2. It is a well settled principle of law, that public officers cannot use their trusts for their own benefit. The district board cannot sell a site or school-house to themselves. The legal voters, however, in regular meeting, may direct the sale to be made to any member of the board.

3. When the district has agreed upon a site, the board are to make the purchase or lease without a special vote directing them so to do; but the building, &c., or selling, will require a special direction.

(*Section* 60.) 1. The practice of some districts in employing a teacher, and getting him inspected some time after commencing his school, is entirely illegal and wrong, being calcu-

to any other use than the payment of teachers' wages, and no part thereof shall be paid to any teacher who shall not have received a certificate as required in this chapter, before the commencement of his school.

Sec. 61. The moderator and director shall require of the assessor, and the assessor shall execute to the district, a bond in double the amount of money to come into his hands as such assessor during the year, as near as the same can be ascertained, with two sufficient sureties, to be approved by the moderator and director, conditioned for the faithful application of all moneys that shall come into his hands by virtue of his office.

Bond to be required of assessor.

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lated to defeat the very end and purpose of all inspection. The language of the law is plain and decisive, and school inspectors and County Superintendents should see it enforced.

2. If, through any necessity, a teacher begins a school before getting a certificate, the time thus taught before receiving a certificate, cannot be counted as any part of the time a school is required to be taught by a qualified teacher. When such teacher receives a certificate, a new contract should be made and signed, as though no school had been previously taught by him in the district.

3. By the provisions of an act passed March, 1863, any surplus of the two-mill tax, after eight months of school have been maintained, may be used for other school or library purposes. (See section 172.)

(*Section* 61.) 1. The moderator and director must require this bond of the assessor before giving him any warrant on the township treasurer for any moneys. If he fails or refuses to give bonds when demanded, he vacates his office; but he is not required under any penalty, to offer his bonds till demanded.

2. If the moderator and director shall give the assessor the custody of moneys belonging to the district without first requiring bonds of him, they commit a gross violation of official duty, and are liable not only to pay the penalty pre-

Where bond to be lodged, and when sued, etc.

Sec. 62. Such bond shall be lodged with the moderator, and in case of any breach of the condition thereof, the director shall cause a suit to be commenced thereon in the name of the district, and the money, when collected, shall be paid into the township treasury, for the use of the district, subject to the order of the proper district officers.

Report of receipts and disbursements.

Sec. 63. Said board shall present to the district, at each annual meeting, a report in writing, containing an accurate statement of all moneys of the district received by them, or any of them, during the preceding year, and of the disbursements made by them, with the items of such receipts and disbursements.

Statement of taxes, etc.

Sec. 64. Such report shall also contain a statement of all taxes assessed upon the taxable property of the district during the preceding year, the purposes for which such taxes were assessed, and the amount assessed for each particular purpose, and said report shall be recorded by the director in a book to be provided and kept for that purpose.

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scribed, but in case any loss results to the district from their neglect, they are liable to the district for the loss occasioned thereby. This is the more important, now that the law requires all the district funds to go into the hands of the assessor before being paid out by the district.

3. The assessor's bond is the security that the funds will at all times be forthcoming when called for. He may use the money in his hands, but he assumes all the risk. If he cannot raise it when wanted by the district, his bail will be holden therefor, and he incurs the penalty for using district funds for private purposes. An assessor should never use, or allow to be used, a dollar of the funds of the district for private purposes.

(*Sections* 63 *and* 64. This report is very important, as, without it, the district has no means of knowing the state of its finances, or whether the funds have been legally applied. When it is made out, the director can readily make his report; and he, as the clerk of the board, should see that it is properly

Sec. 65. The said district board shall have the care and custody of the school-house, and other property of the district, except so far as the same shall be especially confided to the custody of the director, including all books purchased for the use of the pupils admitted to the school free of charge, and may permit the school-house to be opened for public meetings: *Provided*, A majority of the legal voters of said school district, present and voting at an annual meeting, or special meeting called for that purpose, shall so determine. Care and use of house.

Sec. 66. The said board shall have power to fill, by appointment, any vacancy that shall occur in their own number, and it shall be their duty to fill such vacancy within ten days after its occurrence: *Provided*, That in case said board shall, from any cause, fail to fill such vacancy within the time specified, the same may be filled by election at a special school district meeting Vacancies. Proviso.

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done, and in time. District boards are earnestly urged not to neglect so important a duty. It is required as well in justice to themselves as to the district. School officers are often suspected of using the funds of the district, and they are unable to prove their innocence, simply because they have not kept a careful record of every transaction, and consequently could not make a full report.

(*Section* 65.) 1. This proviso, added to the section in 1869, prohibits the use of a school-house for any public meetings disconnected with the school, without a vote of the district. It is not needful that the district should vote for every occasion. A vote may be passed, authorizing the use of the house for religious or other meetings for the year, or for an indefinite time, till a different vote shall be had.

2. Section 48 gives the director custody of the house, within certain limits, during the term of school.

(*Section* 66.) 1. The vacancy, in primary districts, whether filled by the district board or by the special meeting, is filled for the unexpired term. If a vacancy exists at the time of the annual meeting it may be filled by an election, but the election

called for that purpose, by the qualified voters present, which meeting shall be called in the same manner, and be subject to the same regulations, as other special school district meetings.

When board may appoint assessor pro tem.

Sec. 67. [If the assessor shall fail to give bond as is required in this chapter, or from sickness or any other cause shall be unable to attend to the duty of collecting any district rate-bill, the said board shall appoint an acting assessor to collect the same, who shall possess all the powers of the district assessor for that purpose, and shall, before proceeding to the collection thereof, give bond to the district in double the amount of money to be collected, in the same manner, and with the same effect as the district assessor is required to give such bond.] Every school district office shall become vacant upon the incumbent ceasing to be a resident of the district for which he shall have been elected, or upon the happening of either of the events specified in section three, of chapter fifteen, of the revised statutes of 1846. (Comp. Laws, Chap. 11, Sec. 1.)

When district offices become vacant.

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will be only for the unexpired part of the term. But neither a special nor an annual meeting has power to fill a vacancy till the ten days are expired, during which the district board are required to fill it.

2. In case two of the district offices shall be vacant at once, the remaining member cannot fill the vacancies, as he does not constitute a majority of the board, and cannot exercise the powers thereof. On the written request of five legal voters, he may call a special meeting to fill vacancies.

3. Should all the offices be vacant at once, no special meeting can be called, and the inspectors should appoint officers to fill the vacancies, as provided by section 146.

(*Section* 67.) 1. All reference of this section to a rate-bill is nugatory; but if the assessor neglects or refuses to give bonds when required, his office becomes vacant, and should be filled by the district board.

2. The occurrence of any of the following events will create a vacancy in a school district office:

First. The death of the incumbent;

Second. His resignation;

TOWNSHIP BOARD OF SCHOOL INSPECTORS.

Sec. 68. The inspectors elected at the annual township meetings, together with the township clerk, shall constitute the township board of school inspectors; and the inspector elected at the annual township meeting, having the shortest time to serve, shall be chairman of said board, and the said township clerk shall be the clerk thereof. Board of school inspectors.

Sec. 69. The chairman of said board shall be the treasurer thereof, and shall give bond to the township in double the amount of library moneys to come into his hands during his term of office, as near as the same can be ascertained, with two sufficient sure- Chairman of board to be treasurer and give bond.

Third. His removal from office;

Fourth. His removal from the district;

Fifth. His conviction of any infamous crime;

Sixth. His election or appointment being declared void by a competent tribunal;

Seventh. His neglect to file his acceptance of office, or to give or renew any official bond, according to law. (Compiled Laws, Chap. 11, Sec. 3, p. 219.)

3. The resignation of a district officer must be made to the other members of the district board, or to one of them, and should be in writing. (Compiled Laws, Chap. 11, Sec. 1.)

(*Section* 68.) The office of school inspectors was not created by that chapter of the statutes known as "The Primary School Law." It will be found as follows:

"There shall be elected annually, on the first Monday of April, in each organized township, * * * one township clerk, who shall be *ex-officio* school inspector," * * * and one school inspector. (Article 11, Sec. 1 of the Constitution.)

"The annual meeting of each township shall be held on the first Monday of April, in each year; and at such meeting there shall be an election (by ballot) for * * * one school inspector." (Compiled Laws, Chap. 12, Sec. 8.)

"Each school inspector elected as aforesaid, shall hold his

ties, to be approved by the township clerk, conditioned for the faithful appropriation of all moneys that may come into his hands by virtue of his office.

In case of breach, bond to be sued.

Sec. 70. Said bond shall be filed with the township clerk, and in case of the non-fulfillment thereof, said clerk shall cause a suit to be commenced thereon, and the moneys collected in such suit shall be paid into the township treasury, for the benefit of the township library.

Formation of districts.

2 Douglass, Mich. 127.

Sec. 71. The inspectors shall divide the township into such number of school districts as may from time to time be necessary, which districts they shall number, and they may regulate and alter the boundaries of the same as circumstances shall render proper; but no

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office for two years, and until his successor shall be elected and qualified, except when elected to fill a vacancy; in which case he shall hold during the unexpired portion of the regular term: *Provided*, That where there shall have been no previous election for school inspectors in any township, there shall be two such inspectors elected, one for one year and one for two years, who shall severally hold their office accordingly." (Compiled Laws, Chap. 12, Sec. 13.)

Sec. 95, Chap. 12, of the compiled laws, establishes the compensation of inspectors at one dollar per day.

(*Section* 71.) 1. This power to establish and change the boundaries of school districts is a most important one, and on its wise and careful exercise the success and well-being of the school system often depends. The main errors committed in the division of the townships have been the multiplication of small districts too feeble to maintain a good school, and the unnecessary increase of fractional districts, which have always proved a fruitful source of error and trouble.

2. Whenever a school district is divided, each of the districts formed from it has a right, in making its annual report, to embrace the time a school was taught between the commencement of the school year, and the time the division was made, and to add thereto the time a school has been taught in

district shall contain more than nine sections of land, and each district shall be composed of contiguous territory, and be in as compact a form as may be; but no land shall be taxed for

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said district subsequently to the division. If each district, reckoning time thus, is enabled to report a school taught the requisite number of months, by qualified teachers, each is entitled to draw public money.

3. If a new district is created from more than one district, part of which did not have the requisite number of months school before the division, and the new district has not itself had school the necessary time, in that case the number of children in the territory taken from districts that had the said requisite time of school should be reported to the Superintendent of Public Instruction, as primary school money can be apportioned upon them only.

4. "In the distribution of school moneys to said districts the same sum should be apportioned to the two, that the original district would have been entitled to receive had there been no division. This sum should be divided between them according to the rules of justice and equity. If the division of a district takes place immediately after the commencement of a school year, and before a school has been opened, the public money should be apportioned to the new districts in proportion to the number of scholars within the legal ages residing in each of them at the time of the division. But if the division is made at the close of the winter school, and two-thirds (more or less) of the public money has been apportioned to said school, in which both of the districts were entitled to share equitably, the remaining one-third should be apportioned in proportion to the number of children within the legal ages in the districts at the time the division is made."

5. In the formation of school districts, and in the alteration of the same, school inspectors act upon their own discretion, and are not obliged either to wait for, or to regard petitions of

building a school-house, unless some portion of every legal subdivision of said land shall be within two and one-half miles of said school-house site.

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the inhabitants; but they should never refuse to show a wise regard for the wishes of the people. They should be slow, however, to yield to the demand for the erection of small districts for the temporary accommodation of small neighborhoods.

6. In the union of two or more districts, under the law for graded schools, (*section* 152,) the limitation of territory to nine sections of land does not apply. There is no restriction as to the size of the districts which may be thus united, and each one might have had the full nine sections. The power of the graded school board to establish several schools in different localities, allows it to supply schools in convenient localities for every part of the district. Inspectors cannot alter the boundaries of such districts without the written consent of a majority of the board.

7. The boundaries of new districts should be fully described in the resolution of the inspectors, and the number of the district fixed. The resolution should be entered on the record kept by the clerk, and the boundaries delineated on the township map to be made by the clerk, one copy to be kept in his office, and another given to the supervisor. Care should be used to embrace all the inhabitants and all the territory of the township in some of the several districts when finally organized.

8. By section 91, the inspectors are required to give ten days notice of meetings to form or alter boundaries of districts. Without such notice their action will not be legal. Appeal may be made from the action of the inspectors, to the township board. (See sections 173, 174, 175.)

Sec. 72. They may attach to a school district any person residing in the township, and not in any organized district, at his request; and for all district purposes except raising a tax for building a school-house, such person shall be considered as residing in such district; but when set off to a new district, no sum shall be raised for such person as his proportion to the district property.

Persons residing out of district may be attached in certain cases.

Sec. 73. The inspectors shall apply for and receive from the township treasurer, all moneys apportioned for the township library of their township, and shall purchase the books, and procure the necessary appendages for the township library, and make such rules

Inspectors to receive and appropriate library money.

(*Section* 73.) 1. The library moneys include whatever may be voted from the two-mill tax annually, at the township elections, as provided by section 107, and the moneys received from fines, penalties, forfeited recognizances, &c., from the county treasurer. The inspectors should apply to the county treasurer between the fifth and tenth of April each year, for the money from such fines, &c. Were the boards of supervisors, and other officers charged with this matter, careful to see that these fines and penalties were paid over by those collecting them, and forfeited recognizances were prosecuted, many thousands of dollars would annually accrue to the library fund that are now lost.

2. Wherever the township library has been divided into district libraries, under the law providing for such division, the town clerk should annually apportion the library moneys to the districts, to be expended by the district boards for books.

3. This authority to select books for the township libraries is one of the greatest importance, and should be exercised with the utmost care and circumspection. Good books are great blessings. They are the cheapest and most efficient educational agencies known; and the school library is justly esteemed a needful and valuable auxiliary to our public school system. Care should be taken to select, to a considerable extent, such books as will prove interesting and instructive to the young,

for the regulation thereof, and the preservation of the books contained in it, as they may deem proper.

To appoint one of their number to visit schools.

Sec. 74. [This section is repealed, except in regard to counties having no County School Superintendent.] They shall appoint one of their number to visit each school in the township having a qualified teacher, at least once in each school term in which a school is taught, who shall inquire into the condition of such schools, examine the scholars, and give such advice to both teachers and pupils, as he may think beneficial.

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from ten to twenty years of age. Let the taste for reading good books once be strongly established, and our pupils will not only use the library, but will go beyond that, and seek to supply themselves, even at their own expense, with the means of gratifying their appetite for learning.

4. The law requires a list of library books to be selected and contracted for by the State Board of Education, and the inspectors and district boards are required by law to purchase under this contract, unless the township or districts order otherwise. They are also required to expend the library funds annually. But, as the law makes so inadequate provision for the support of libraries, and, consequently, so few books are purchased, no satisfactory contract could be made for some years past. There is little hope of an improvement in the libraries, either township or district, until the law furnishes a more adequate fund.

(*Section* 74.) This section is in force in counties having less than ten school districts, which are not entitled to a County Superintendent, or while a vacancy may exist in that office, in other counties. The duty it imposes is a responsible one, and should be faithfully performed. Inspectors are entitled to pay for the time spent in visiting the school, the same as for meetings of the board.

Sec. 75. When a new district is formed, in whole or in part, from one or more districts possessed of a school-house, or entitled to other property, the inspectors, at the time of forming such new district, or as soon thereafter as may be, shall ascertain and determine the amount justly due to such new district from any district out of which it may have been in whole or in part formed, as the proportion of such new district of the value of the school-house and other property belonging to the former district, at the time of such division; and whenever by the division of any district, the school-house or site thereof shall no longer be conveniently located for school purposes, and shall not be desired for use by the new district in which it may be situated, the school inspectors of the township in which such school-house and site shall be located, may advertise and sell the same, and apportion the proceeds of such sale, and also any moneys belonging to the district thus divided, among the several districts erected in whole or in part from the divided district.

New district set off entitled to a share of district property.

Apportionment of proceeds.

Sec. 76. Such proportion shall be ascertained and determined, according to the value of the taxable property of the respective parts of such former district at the time of the division, by the best evidence in the power of the inspectors; and such amount of any debt due from the former district, which would have been a charge upon the new, had it remained in the former district, shall be deducted from such proportion: *Provided*, That no real estate thus set off, and which shall not have been taxed for the purchase or building of such school-house, shall be entitled to any portion thereof, nor be taken into account in such division of district property.

How proportion to be ascertained.

(*Section* 75.) 1. When part of a district possessed of a school-house or other property, is set off to another district possessing a school-house, the part set off is not entitled to receive any share of the district property; what it loses in the old district being counted as made up by what it gains in the new.

2. Difficult questions often occur in the division of districts, in relation to the property, debts, &c., for which the law makes no specific provision. In such cases the inspectors must be held to be authorized to settle the rights of the parties on principles of equity, according to their best judgment,—of course, not in conflict with any provision made by the law.

Proportion to be certified to supervisor; how disposed of.

Sec. 77. The amount of such proportion, when so ascertained and determined, shall be certified by the township clerk to the supervisor of the township, whose duty it shall be to assess the same upon the taxable property of the district retaining the school-house or other property of the former district, in the same manner as if the same had been authorized by a vote of such district, and the money so assessed shall be placed to the credit of the taxable property taken from the former district, and shall be in reduction of any tax imposed in the new district on said taxable property for school district purposes.

When apportionment collected to be paid over.

Sec. 78. When collected, such amount shall be paid over to the assessor of the new district, to be applied to the use thereof, in the same manner, under the direction of its proper officers, as if such sum had been voted and raised by said district for building a school-house, or other district purposes.

Report from inspectors to county superintendent.

Sec. 79. On the first Saturday of October, in each year, the inspectors shall make triplicate reports, setting forth the whole number of districts in their townships, the amount of money raised and received for township and district libraries, and such other items as shall from year to year be required by the Superintendent of

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(*Section* 79.) 1. The following is the provision in counties having a County Superintendent:

"1. The annual reports of the township inspectors, provided by Section 79, [of the School Laws,] of Chapter 78, of the Compiled Laws, shall hereafter be made *to the County Superintendent*, and he shall, immediately after receiving such reports, file copies of the same in the office of the county clerk, and transmit duplicates thereof, together with such other information as may be required of him, to the Superintendent of Public Instruction. He shall examine into the correctness of the inspectors' reports, and may, when necessary, require the same to be amended, and shall indorse his approval on such as he shall find correct. In case of a vacancy in the office of County Superintendent, the reports of the school inspectors shall be received and transmitted as aforesaid by the county clerk."

Public Instruction, together with the several particulars set forth in the reports of the school directors for the preceding year; and the township clerk shall immediately forward two copies of the same to the county clerk, and deposit the other in his office.

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2. The necessary blanks for the reports required by this section are annually forwarded to the proper officers. Three of these blanks are sent to each township clerk—two for the duplicate copies to be delivered to the county clerks, or County Superintendents, and one to be filed in the office of the township clerk for the use of the board and their successors. (See form No. 24.)

3. The facts and statements for the inspectors' reports are to be derived mainly from the annual reports of the district directors, required by section 54. Should these reports be deficient in any particulars, or incorrect, the inspectors are not authorized to correct them, except in the single case provided for in section 80. They may, however, and should, where time will permit, notify the director of the deficiency or error, and get the same corrected. In their report to the Superintendent of Public Instruction, the inspectors should furnish such facts within their knowledge, as will explain, as far as may be, the deficiencies or errors therein.

4. The law requires the director to furnish with his report, a list of the names of the school children of the district, made under oath. (*Section* 41.) The inspectors should compare these census lists, to see that the same children are not reported in two districts, as sometimes happens. If the census list is not furnished, the inspectors should note the fact in their report. As this sworn list is the legal evidence of the number of children of school ages in the district, there is no proper basis for the apportionment of public money to any district not thus furnishing it.

5. The partial reports from directors of districts whose school-houses are not in the township, should never be copied into the inspectors' reports.

Board of inspectors to examine record of teachers.

Sec. 80. The board of inspectors, before making their annual report to the county clerk, shall examine the record of teachers to whom certificates have been given by them, and if in any school district having thirty or more children over five and under twenty years of age, a school shall not have been taught for five months, and in any district having eight hundred or more children of like ages, for nine months, and in any other district three months during the preceding school year, by a qualified teacher, no part of the public money shall be distributed to such district, although the report from such district shall set forth that a school has been so taught; and it shall be the duty of the board to certify the facts in relation to any such district in their reports to the county clerk.

Formation of districts in two or more townships.

Sec. 81. Whenever it shall be necessary or convenient to form a district from two or more adjoining townships, the inspectors, or a majority of them, of each of such adjoining townships, may form such district, and direct which township clerk shall make and deliver the notice of the formation of the same to a taxable

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(*Section* 80.) 1. In counties having a County Superintendent the inspectors have no record of certificates given; but they should be satisfied that every teacher had a certificate. If, in any case, they are in doubt, they can readily ascertain the facts by inquiring of the County Superintendent.

2. No teacher is to be regarded as a qualified teacher who did not hold a certificate at the time of commencing school; nor can he be counted as a legally qualified teacher after his certificate has expired. On such expiration, he must apply for reëxamination if he continues to teach. (For "school month," see section 41.)

(*Section* 81.) Whenever the inspectors of two or more townships meet to form or alter the boundaries of fractional districts, a majority of each board is necessary to a decision. A simple majority of the joint boards is not sufficient. Nor can the inspectors of one township alone either add to, or take from, the territory of such district situated in their township. It is sometimes the case that the inspectors of one or more town-

inhabitant thereof, and may regulate and alter such district as circumstances may render necessary. The director of such district shall make his annual report to the clerk of the township in which the school-house is situated.

To whom report to be made.

Sec. 82. The director of every district formed as provided in the preceding section, shall also report to the clerk of each township in which the district is in part situated, the number of children between the ages of five and twenty years in that part of the district lying in such township, and books shall be drawn from the library of each township for the use of such district; but the district shall have access to but one such library at the same time, and the said inspectors shall establish the order in which books shall be drawn from each township library: *Provided*, That no books shall be drawn from any township library by any district having a district library; but such district shall be entitled to its just proportion of books from the library of any township in which it is partly situated, to be added to the district library, and also to its equitable share of any library moneys raised or received by any such township.

Director to report to each township.

Sec. 83. Such school districts already formed from two or more townships, shall continue to be governed by the regulations already established according to law, in relation to the annual reports, and the drawing of books from the township libraries, subject to such changes as may be made in respect thereto by the said inspectors, in conformity with the preceding provisions.

Districts formed from two or more townships; how regulated.

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ships meet and decide upon a change, and send their decision to the inspectors of another township interested, for their concurrence. This is of very doubtful legality.

(*Section* 82.) The provisions for the annual reports of the directors of fractional districts, demand especial attention. The director should make only one full report, [*Section* 54,] and that should embrace all the children in the district of proper school age. But he must also make a partial report to each of the other townships in which any part of the district is situated, embracing only the number of children residing in that part of the district. (For reports of taxes in fractional districts, see section 84.)

Amount of taxes; how certified to supervisors.

Sec. 84. The full amount of all taxes to be levied upon the taxable property of such district, shall be certified by the district board to the supervisor of such townships, and each of said supervisors shall certify to each other supervisor within whose township such district is in part situated, the amount of taxable property in that part of the district lying in his township; and such supervisors shall respectively ascertain the proportion of such taxes, to be placed on their respective assessment rolls, according to the amount of taxable property in each part of such district.

EXAMINATION OF TEACHERS.

Sections repealed.

Sections 85, 86, 87, 88, 89, 90 are repealed, except in regard to counties having no County School Superintendent. In such counties, or in other counties, while a vacancy in the office of County Superintendent may exist, they are in full force.

Examination of teachers.

Sec. 85. It shall be the duty of the inspectors to examine all persons offering themselves as candidates for teachers of primary schools in their townships, in regard to moral character, learning, and ability to teach a

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(*Section* 84.) Much confusion and trouble has arisen from the assessment of district taxes in fractional districts. Both the reason of the law and the law itself will be evident if it is remembered that no tax can be assessed upon any property in any township but by the supervisor of the township. Each supervisor must, therefore, be notified by the district board of the entire amount of the district taxes. Then each supervisor needs to know the entire amount of taxable property in the district. This latter information is furnished by the several supervisors to each other. Each supervisor knowing thus the entire amount of tax to be raised, and being able to ascertain the proportion of the property of the district lying in his township, is prepared to assess upon such property its equitable proportion of the tax. We here see the vital importance of the map of the districts required by sections 102 and 103.

(*Section* 85) 1. No certificate should be given to a teacher who does not pass a satisfactory examination in the common

school; and they shall deliver to each person so examined and found qualified, a certificate signed by them, in such form as shall be prescribed by the Superintendent of Public Instruction, which certificate shall certify the branches in which the person holding it has passed a sat- Certificate.

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branches, reading, orthography, geography, grammar and arithmetic. (See section 88.) Whenever the applicant proposes to teach in the higher departments of a graded school, or in any advanced primary school, he should be required to pass an examination in all the branches he will be expected to teach.

2. Inspectors may lawfully invite any gentleman they may choose, to assist them in their examinations; but they cannot deputize any one to give a certificate in their stead, or to conduct examinations in their absence. Two of the inspectors may examine and license teachers, but one cannot act alone in this duty.

3. Inspectors owe it to the schools to refuse a certificate to any teacher who is a drunkard, or gambler, or who uses profane language, or indulges in any other gross immorality or indecent habit. No excellency of scholarship or experience, or skill in teaching, can compensate a school for the lack of moral purity and integrity in the teacher. The law has wisely made a good moral character a requisite for a qualified teacher, since it is on the virtue as well as on the intelligence of the people that the safety of the Republic depends. In case the candidate is a stranger to the inspectors, they may require him to show satisfactory testimonials of his good moral character.

4. Only teachers of experience and approved success should be licensed for the longest period. Young teachers should be contented to pass a noviciate of six months to prove their ability to teach.

5. Inspectors have no authority to grant a modified or partial certificate, certifying to competency in one or two branches, and not licensing to teach. The certificate must be in the form

isfactory examination, and shall be given at the discretion of the inspectors, for a term of not less than six months, nor more than two years. No person shall be deemed a qualified teacher, within the meaning of this chapter, who has not such a certificate in force, or the legal certificate as a graduate of the State Normal School.

Term "qualified teacher," defined.

Sec. 86. For the purpose of making such examination, the board of school inspectors shall meet on the second Saturday of April, and the first Saturday of October, and first Saturday of November in each year, at the office of the township clerk, or at such other place as they shall designate, of which meetings the township clerk shall give at least ten days' notice in writing, by posting up the same in three public places in the township.

Meetings for examining teachers, and notice thereof.

Sec. 87. The inspectors may make such examination at such other times as they may designate for that purpose, but shall make no charge against the township for examining teachers at any other times than those specified in the preceding section.

Examination at other times.

Sec. 88. The examination of teachers shall be public, and no certificate shall be given by the inspectors, unless they are satisfied that the applicant possesses a good moral character, and a thorough and accurate knowledge of the several branches of study usually taught in primary schools, and is competent in other respects to teach and govern a school.

Examination to be public; qualification of teachers.

Sec. 89. When a district is situated in two or more townships, the teacher for such district shall be examined by the inspectors of the township to which the director is required to make his annual report.

Where to be examined for fractional districts.

Sec. 90. Whenever the inspectors shall deem it necessary to reëxamine any teacher of a primary school in their township, they shall give five days' notice to such teacher, of the time and place of such reëxamination, and of their intention to annul his certificate if they find him deficient in the requisite qualifications; and

Inspectors may re-examine teachers, and annul certificate.

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prescribed by the Superintendent of Public Instruction, and must not be given except the candidate passes a satisfactory examination in all the branches named in note 1, above. (See form No. 16.)

(*Section* 90.) 1. No teacher's certificate can be annulled on a mere report of incompetency; but the inspectors are bound to

at the same time and place specified in the notice, if such teacher shall not appear and submit to such reëxamination, or if he shall be found deficient as aforesaid, the inspectors shall annul said certificate.

Sec. 91. The whole number of meetings of the township board of inspectors, during any one year, at the expense of the township, shall not exceed four, and the township clerk shall give at least ten days' public notice of any meeting of the board, by posting such notice in three public places in the township.

Number of meetings of board.

Notice.

Sec. 92, and Sec. 93. [Repealed by the Act approved February 15, 1859.]

Sections repealed.

Sec. 94. It shall be the duty of the board of inspectors to render to the township board, on the Tuesday next preceding the annual township meeting, a full and true account of all moneys received and disbursed by them as such inspectors, during the year, which account shall be settled by said township board, and such disbursements allowed, if the proper vouchers are presented.

Inspectors to account to township board.

Sec. 95. [Repealed by Act approved February 15, 1859.]

Section repealed.

CERTAIN DUTIES OF TOWNSHIP CLERK.

Sec. 96. The township clerk shall be the clerk of the board of school inspectors by virtue of his office, and shall attend all meetings of said board, and under their direction prepare all their reports and record the same, and shall record all their proceedings, including the

Clerk of board of inspectors.

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examine him, and, if necessary, visit his school and assure themselves personally of his deficiency.

2. Whenever the inspectors shall have annulled a teacher's certificate, they ought immediately to notify the district board that had employed him, as no public money can be paid him for services after such annulment, and none drawn on account of his teaching. The contract made with a qualified teacher becomes null and void by the annulling of his certificate. (See Notes on section 39.)

(*Section* 96.) 1. The township clerk is also required to file or record a copy of the certificate held by any graduate of the

names of teachers to whom certificates shall have been given, with the date of each certificate, and the name of each teacher whose certificate shall have been annulled, with the date of such annulment.

Clerk to apportion school moneys.

Sec. 97. On receiving notice from the county treasurer of the amount of school moneys apportioned to his township, he shall apportion the same amongst the several districts therein, entitled to the same, in proportion to the number of children in each between the ages of five and twenty years, as the same shall be shown by the annual report of the director of each district for the school year last closed.

State Normal School, offering to teach in his township. [Session laws of 1863, act 105, section 2. See "*Normal School Diplomas*," in this volume.]

2. The County Superintendent law does not give the County Superintendents power to suspend a Normal certificate. Should a case occur, in a county having a Superintendent, where a teacher, holding such certificate, proves unworthy, it must be referred to the Board of Instruction of the Normal School.

(*Section* 97.) The districts entitled to public moneys are those which have had a school taught by a "qualified teacher" for three, five, or nine months, as required by section 24, during the preceding school year. No money should be apportioned to others. The income of the primary school fund is apportioned to the townships, by the Superintendent of Public Instruction, annually, in the month of May. It is made upon the report of the inspectors, in his office. If the amount reported to the township clerk does not correspond with the number of children in the same report in his office, it is an indication that the reports are not alike; and he should seek an explanation from the State Superintendent, before apportioning the money to the districts.

Sec. 98. Said clerk shall also apportion to the school districts in his township, as required by law, on receiving notice of the amount from the township treasurer, all moneys raised by township tax, or received from other sources for the support of schools; and in all cases make out and deliver to the township treasurer a written statement of the number of children in each district drawing money, and the amount apportioned to each district, and record the apportionment in his office; and whenever an apportionment of primary school money or moneys, raised by tax or received from other sources, is made, he shall give notice of the amount to be received by each district, to the director thereof.

To apportion school moneys raised by township, and record apportionment.

Sec. 99. He shall receive and keep all reports to the inspectors from the directors of the several school districts in his township, and all the books and papers belonging to the inspectors, and file such papers in his office.

To keep books and papers.

Sec. 100. He shall receive all such communications as may be transmitted to him by the Superintendent of Public Instruction, and dispose of the same in the manner directed therein.

To receive and dispose of communications.

(*Section* 98.) 1. It is the duty of the township treasurer to notify the clerk of the amount of all school moneys received or raised for the township. (Secs. 109 and 110.) Although the proceeds of the two-mill tax belong now to the districts in which it was raised, still the treasurer should notify the clerk of the amounts raised in the several districts. The law requires the clerk to apportion the two-mill tax as well now as when it was apportioned on the scholar. The propriety of this is seen in the fact that *he* has the evidence as to what districts may have forfeited their money—how much, if any, library money is to be deducted before the division,—how much surplus from delinquent districts is to be appropriated to the others, and, in towns having district libraries, how it is to be apportioned. For directions for apportioning school moneys in the case of fractional districts, see Notes on sections 142 and 143.

To transmit inspectors' reports.

Sec. 101. He shall transmit to the county clerk all such reports as may be delivered to him for that purpose by the inspectors, within the time limited in this chapter. (See section 79, and note to the same.)

To make map of district.

Sec. 102. Every township clerk shall cause a map to be made of his township, showing by distinct lines thereon, the boundaries of each school district, and parts of school districts therein, and shall regularly number the same thereon, as established by the inspectors.

To file copy of map and deliver copy to supervisor.

Sec. 103. One copy of such map shall be filed by the said clerk in his office, and one other copy he shall file with the supervisor of the township; and within one month after any division or alteration of a district, or the organization of a new one in his township, the said clerk shall file a new map and copy thereof as aforesaid, showing the same.

To certify amount to be collected on division of a district.

Sec. 104. The clerk shall also certify to the supervisor the amount to be assessed upon the taxable property of any school district retaining the district schoolhouse or other property, on the division of the district, as the same shall have been determined by the inspectors, and he shall also certify the same to the director of such district, and to the director of the district entitled thereto.

Clerk to be librarian.

Sec. 105. Said clerk shall also be the township librarian, and as such shall have the custody of the township library; and he shall do and execute all such other acts and things pertaining to his office, as may be required of him by the inspectors.

(*Sections* 102 *and* 103.) This is an important duty; and a neglect of it (too common, it is feared,) is almost certain to cause difficulty in assessing taxes, in taking the census, and in a general knowledge of boundaries. Town clerks are respectfully urged to promptness in this matter. In any case where there is doubt or dispute about a boundary, the inspectors should promptly decide the question, and have the map made accordingly.

OF TAXES FOR SCHOOL PURPOSES.

Sec. 106. It shall be the duty of the supervisor of the township to assess the taxes voted by every school district in his township, and also all other taxes provided for in this chapter, chargeable against such district or township, upon the taxable property of the district or township respectively, and to place the same on the township assessment roll in the column for school taxes, and the same shall be collected and returned by the township treasurer, in the same manner and for the same compensation as township taxes. Assessment and collection of taxes for school purposes.

Sec. 107. The supervisor shall also assess upon the taxable property of his township, two mills upon each dollar of the valuation thereof, in each year, and report the aggregate valuation of each district to the township clerk; and so much of the said tax as the qualified electors of said township shall decide, by a majority vote, at the annual township meeting, shall be applied to the purchase of books for the district or township libraries, according to the provisions of law, and the remainder shall be apportioned by the township clerk to the districts in which it was raised, for the support of schools therein; and all moneys collected by virtue of this act during the year, on any property not included in any organized district, or in districts not having, during the previous school year, three months' school in districts having less than thirty Two-mill tax. Number of months of school required.

(*Section* 106.) For directions for assessing taxes upon fractional districts, see section 84 and notes.

(*Section* 107.) 1. Section 141 provides that if any schoo taxes fail to be assessed at the proper time through the fault of the supervisor, they shall be assessed the next year, and he is liable for any damage to the district. But, in addition to this, he is liable to a penalty of five hundred dollars for willfully neglecting to assess any tax required by law. (Compiled Laws, page 322.)

2. All money raised by the two-mill tax in districts not having the length of school required, must be counted with that raised on property not in any organized district, and appor-

children, or five months' school in districts having thirty and less than eight hundred children, or nine months' school in districts having eight hundred or more children, as shown by the last school census, shall be apportioned to the several other school districts of said township, in the same manner as the primary school moneys are now apportioned. All moneys accruing from the two-mill tax in any township, before any district shall have a legal school

Tax before districts are organized.

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tioned to the districts in which the schools were maintained, as required by law.

3. The vote must be taken annually, at the township meeting, to determine how much of the two-mill tax shall be appropriated for the support of libraries. This vote may be *viva voce*, and may be for a gross amount, as 50 or 100 dollars, or may be for a per centum, as 15 per cent. or 20 per cent. of the entire proceeds of the tax. No township ought to fail to make this appropriation, since a library is as necessary as a school for the education of the young.

4. The library money when distributed to the districts, is to be apportioned in proportion to the number of children of legal school ages, in each. (See district school libraries, section 3.)

5. For mode of apportioning money to fractional districts, see section 142.

6. Money raised from the *two-mill tax* is public money, and can only be used for the payment of the wages of "qualified teachers." But in case of a surplus, after supporting a school for *eight* months in the year, the district may use such surplus for other school purposes, or for library books. (Section 172.)

7. Any two-mill taxes raised in any town before any school district is organized, and has had a legal school therein, is to remain in the town treasury until a district shall be organized and have such school. Then such district is entitled to all the two-mill tax previously raised in its territory. The remainder of the accumulated money then in the town treasury is still retained, to be paid over in like manner to other districts as they shall be organized and have a school. But all the two-

therein, shall belong to the districts in which it was raised, when they shall severally have had a three months' school by a qualified teacher.

Statement to be delivered to treasurer, with warrant, etc. See Sec. 141.

Sec. 108. The supervisor, on delivery of the warrant for the collection of taxes to the township treasurer, shall also deliver to said treasurer, a written statement of the amount of school and library taxes, the amount raised for district purposes on the taxable property of each district in the township, the amount belonging to any new district on the division of the former district, and the names of all persons having judgments assessed under the provisions of this chapter upon the taxable property of any district, with the amount payable to each such person on account thereof.

School tax paid next to town expenses.

Sec. 109. The township treasurer shall retain in his hands, out of the moneys collected by him, after deducting the amount of tax for township expenses, the full amount of the school taxes on the assessment roll, and hold the same, subject to the warrant of the proper district officers, to the order of the school inspectors, or of the persons entitled thereto, and give a written notice to the township clerk of the amount.

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mill tax raised after the first district is organized, and has the requisite time of school, will go to the district or districts entitled thereto, under the last clause of the first sentence in section 107.

(*Section* 109.) 1. In Compiled Laws, chapter 17, section 57, it is provided that out of the moneys raised by taxes there shall *first* be paid the tax for township purposes; *second*, the taxes for school and library purposes, and *third*, the highway taxes. Therefore, the school taxes—that is, the whole amount *assessed*,—must all be paid before any moneys can be paid for highway taxes. For directions in regard to moneys belonging to fractional districts, see sections 142 and 143.

2. The treasurer is to report the amount to the township clerk, so that he can determine and report to the district directors (section 98) how much is going to the several districts.

Township treasurer to apply to county treasurer for moneys, etc.

Sec. 110. Said treasurer shall, from time to time, apply to the county treasurer for all school and library moneys belonging to his township, or the districts thereof; and on receipt of the moneys to be apportioned to the districts, he shall notify the township clerk of the amount to be apportioned.

CERTAIN DUTIES OF THE COUNTY CLERK.

County clerk to receive and dispose of communications from Supt.

Sec. 111. It shall be the duty of each county clerk to receive all such communications as may be directed to him by the Superintendent of Public Instruction, and dispose of the same in the manner directed by said Superintendent.

County clerk to report to Superintendent.

Sec. 112. The clerk of each county shall, immediately after receiving the annual reports of the several boards of school inspectors, transmit to the Superintendent of Public Instruction one of the duplicate reports of each of said several boards, and the other he shall file in his office; and on receiving notice from the Superintendent, of the amount of moneys apportioned to the several townships in his county, he shall file the same in his office, and forthwith deliver a copy thereof to the county treasurer.

Notice of school moneys apportioned.

Sec. 113. [This section has been repealed.]

LIBRARIES.

Library to be maintained in each township.

Sec. 114. A township library shall be maintained in each organized township in this State, which shall be the property of the township; and the parents and guardians of all children therein, between the ages of five and twenty years, shall be permitted to use books from such library without charge, being responsible to the township for the safe return thereof, and for any injury done thereto, according to such rules and regulations as are or may be established by the board of school inspectors of the township: *Pro-*

(*Section* 110.) The income of the primary school fund is apportioned annually in May. The library moneys arising from fines, are required to be apportioned by the county treasurers between the *first* and *tenth* days of April in each year. (Section 116.)

vided, That no township in which the township library has been distributed into district libraries, shall be required to maintain thereafter a township library: *And provided also*, That the school inspectors of any township may equitably divide the township library into district libraries whenever requested by a vote of a majority of the districts in the township.

Books to be drawn once in three months, and returned by directors.

Sec. 115. The books in such township library shall, once in three months, be distributed by the township librarian among the several school districts of the township, in proportion to the number of children in each between the ages aforesaid, as the same shall appear by the last report of the director thereof, and said books shall be drawn and returned by the several directors for their respective districts.

Proceeds of fines, etc., to be apportioned by county treasurer among townships for purchase of books.

Sec. 116. The clear proceeds of all fines for any breach of the penal laws of the State, and for penalties, or upon any recognizances in criminal proceedings, and all equivalents for exemption from military duty, when collected in any county, and paid into the county treasury, together with all moneys heretofore collected and paid into said treasury on account of such fines or equivalents, and not already apportioned, shall be apportioned by the county treasurer, between

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(*Section* 115.) The provisions of this section may be suspended by the inspectors in their discretion. (Section 144.) When suspended, readers may draw books directly from the township library.

(*Section* 116.) 1. In the case of the School Board of Detroit *vs.* The Supervisors of Wayne county, the Supreme Court decided that *the entire amount of fines, &c., collected*, belongs to the library fund; that no part thereof can be used to pay the costs of prosecution or collection. Under this decision any district board may sue for and recover the proportion of the fine moneys due the district, and illegally withheld in past years. The violations of this section of the law are numerous and flagrant. Every year complaints reach this department of an illegal appropriation of the fines to the general fund of the counties, and to other purposes. Let it be remembered, the county treasurers are still answerable to the districts for these

the first and tenth days of April in each year, among the several townships in the county, according to the number of children therein between the ages of five and twenty years, as shown by the last annual statement of the county clerk on file in his office, which money shall be applied to the purchase of books for the township or district libraries, and for no other purpose.

Director to distribute books of district library, and collect damages for injury done to any book belonging to township library.

Sec. 117. In each district in which a district library has been established, the director shall, as the librarian of the district, distribute the books therein to the children of his district of proper age, and shall collect from the parents or guardians of such children, all such damages as they may respectively become liable to pay on account of any injury done to, or loss of, or neglect to return any of such books, or any books belonging to the township library, pursuant to such rules and regulations as shall be prescribed by the board of school inspectors.

Damages to books; how collected and applied.

Sec. 118. If such damages shall have occurred by reason of any injury to, or loss of, or neglect to return any books belonging to the township library, they shall be collected in the name of the township, and paid into the township treasury for the benefit of such township library; and if the same shall have accrued by reason of any injury to, or loss of, or neglect to return any books belonging to the district library, the same shall be collected in the name of the district, for the benefit of the district library.

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funds, notwithstanding any votes of the supervisors directing any other use of the same, and hereafter some energetic school board like that in Detroit, may arise and demand that all these moneys be refunded. The supervisors have no more control over the fine moneys than over the primary school moneys apportioned to the county. While the law stands it should be obeyed. It is unwise and un-American to use an educational fund to pay less important expenses.

2. In case a township has adopted the district library system, the money received from fines, &c., is to be apportioned to the districts and parts of districts, severally.

(*Sections* 117 *and* 118.) All of these sections that relates to district libraries, is rendered obsolete and void by the later law of 1859. That which relates to township libraries is still in force.

DISTRIBUTION OF THE INCOME OF THE SCHOOL FUND.

Sec. 119. The interest of the primary school fund shall be distributed on the first Monday of May, or as soon thereafter as is practicable, in each year, for the support of primary schools in the several townships in this State, from which reports have been received by the Superintendent of Public Instruction, in accordance with the provisions of this chapter, for the school year last closed, in proportion to the number of children in each township between the ages of five and twenty years; and the same shall be payable on the warrant of the Auditor General, to the treasurers of the several counties.

Interest of School fund to be distributed.

Payable to county treasurers on warrant of Auditor General.

Sec. 120. The several county treasurers shall apply for and receive such moneys as shall have been apportioned to their respective counties, when the same shall become due; and each of said treasurers shall immediately give notice to the treasurer and clerk of each township in his county, of the amount of school moneys apportioned to his township, and shall hold the same subject to the order of the township treasurer.

County treasurer to receive moneys and notify clerk of each township.

Sec. 121. No school district shall apply any of the moneys received by it from the primary school fund, or from any or all other sources, for the support and maintenance of any school of a sectarian character, whether the same be under the control of any religious society or made sectarian by the school district board.

Moneys not to be applied for support of sectarian schools.

Sec. 122. Justices of the peace shall have jurisdiction in all cases of assumpsit, debt, covenant, and trespass on the case against school districts, in which the amount claimed, or matter in controversy shall not exceed one hundred dollars, and the parties shall have the same right of appeal as in other cases.

Justices to have jurisdiction in certain cases.

(*Sections* 119 *and* 120.) No township can share in this distribution unless it has made the requisite annual report; and no district that has not had a school taught therein by a qualified teacher for the time required by section 24, during the school year last closed. The apportionment usually cannot be made till the latter part of May, on account of failures of more or less of the county treasurers to forward to the treasury as promptly as they should, the amount of interest by them collected.

Suit against district; how commenced.

Sec. 123. When any suit shall be brought against a school district, it shall be commenced by summons, a copy of which shall be left with the assessor of the district at least eight days before the return day thereof.

No execution to issue against district.

Sec. 124. No execution shall issue on any judgment against a school district, nor shall any suit be brought thereon, but the same shall be collected in the manner prescribed in this chapter.

Judgment against district to be certified to supervisor by assessor.

Sec. 125. Whenever any final judgment shall be obtained against a school district, if the same shall not be removed to any other court, the assessor of the district shall certify to the supervisor of the township, and to the director of the district, the date and amount of such judgment, with the name of the person in whose favor the same was rendered, and if the judgment shall be removed to another court, the assessor shall certify the same as aforesaid, immediately after the final determination thereof against the district.

If assessor fails to certify, party may get certificate from justice or clerk.

Sec. 126. If the assessor shall fail to certify the judgment as required in the preceding section, it shall be lawful for the party obtaining the same, his executors, administrators or assigns, to file with the supervisor the certificate of the justice or clerk of the court rendering the judgment, showing the facts which should have been certified by the assessor.

If district in two or more townships, certificate to each supervisor.

Sec. 127. If the district against whom any such judgment shall be rendered, is situated in part in two or more townships, a certificate thereof shall be delivered as aforesaid, to the supervisor of each township in which such district is in part situated.

Supervisors to assess amount of judgment and interest; how collected and returned.

Sec. 128. The supervisor or supervisors receiving either of the certificates of a judgment as aforesaid, shall proceed to assess the amount thereof, with interest from the date of the judgment to the time when the warrant for the collection thereof will expire, upon the taxable property of the district, placing the same on the next township assessment roll, in the col-

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(*Section* 128.) If, when a judgment is obtained against a district, the district has the means, and is disposed to pay it before the tax is assessed, it seems but reasonable that it should

umn for school taxes, and the same proceedings shall be had, and the same shall be collected and returned in the same manner as other district taxes.

PENALTIES AND LIABILITIES.

Penalty for neglecting to serve notice of first meeting, etc.

Sec. 129. Every taxable inhabitant receiving the notice mentioned in the first and second sections of this chapter, who shall neglect or refuse duly to receive and return such notice, and every chairman of the first district meeting in any district, who shall willfully neglect or refuse to perform the duties enjoined on him in this chapter, shall respectively forfeit the sum of five dollars.

Penalty on district officer for neglect, etc.

Sec. 130. Every person duly elected to the office of moderator, director, or assessor of a school district, who shall neglect or refuse, without sufficient cause, to accept such office and serve therein, or who, having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by virtue of his office, shall forfeit the sum of ten dollars.

Penalty on inspector not qualifying, or neglecting duty.

Sec. 131. Every person duly elected or appointed a school inspector, who shall neglect or refuse, without sufficient cause, to qualify and serve as such, or who, having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by virtue of his office, shall forfeit the sum of ten dollars.

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have the right to do so, and exonerate the supervisor from placing it in the tax roll.

(*Sections* 129 *to* 136.) The collector or other officer who *executes* process, has peculiar protection. He is protected, although the court or officer issuing such process have not, in fact, jurisdiction of the case, if, on the face of the process, it appears that such court or officer had jurisdiction of the *subject-matter*, and nothing appears in such process to apprise the officer but that there was jurisdiction of the person of the party affected by the process.—5 *Wendell's Reports*, 170.

In a decision of the Supreme Court of New York, (5 *Wendell*, p. 234,) the Court said:

Board of school inspectors liable for neglect.

Sec. 132. If any board of school inspectors shall neglect or refuse to make and deliver to the township clerk their annual report to the county clerk, as required in this chapter, within the time limited therefor, they shall be liable to pay the full amount of money lost by their failure, with interest thereon, to be recovered by the township treasurer in the name of the township, in an action of debt, or on the case. (See section 79.)

Township clerk neglecting to transmit reports, liable for amount lost.

Sec. 133. If any township clerk shall neglect or refuse to transmit the report mentioned in the preceding section, to the county clerk, as required in this chapter, he shall be liable to pay the fulll amount lost by such neglect or refusal, with interest thereon, to be recovered in the manner specified in the preceding section.

County clerk neglecting to make annual report, liable for amount lost.

Sec. 134. Every county clerk who shall neglect or refuse to transmit the report required in this chapter, to be made by him to the Superintendent of Public Instruction, within the time therefor limited, shall be liable to pay to each township the full amount which such township, or any school district therein, shall lose by such neglect or refusal, with interest thereon, to be recovered in the manner specified in the last two preceding sections.

"It will be observed that these cases do not go upon the ground that the claim by an individual to be a public officer, and by acting as such, is merely *prima facie* evidence that he is an officer *de jure*, (of right,) but the principle they establish is this: that an individual coming into office by color of an election or appointment, is an officer *de facto*, (in fact,) and his acts in relation to the public, or third persons, are valid until he is removed, although it be conceded that his election or appointment was illegal."

"In the case of *trustees* and *collectors* of *school districts*, general reputation of their being such officers, and proof of their acting as such, is *prima facie* sufficient, without producing evidence of their election, especially where there is evidence of their acting under color of an election."—7 *Wendell Rep.*, *p.* 341.

Sec. 135. All the moneys collected or received by any township treasurer under the provisions of either of the three last preceding sections, shall be apportioned and distributed to the school districts entitled thereto, in the same manner, and in the same proportion, that the moneys lost by any neglect or refusal therein mentioned would, according to the provisions of this chapter, have been apportioned and distributed.

Money collected on account of neglect; how disposed of.

Sec. 136. The township board of each township shall have power, and is hereby required to remove from office, upon satisfactory proof, after at least five days' notice to the party implicated, any district officer or school inspector who shall have illegally used or disposed of any of the public moneys entrusted to his charge, or who shall persistently, and without sufficient cause, refuse or neglect to discharge any one of the duties of his office.

Removal of officers for illegal use of money.

Officers required by law to exercise their judgments, are not answerable for mistakes of law, or mere errors of judgment, without any fraud or malice.—*Jenkins vs. Waldron*, 11*th Johnson's Reports*, 114.

A public officer who is required by law to act in certain cases, according to his judgment or opinion, and subject to penalties for his neglect, is not liable to a party for an omission arising from a mistake or want of skill, if acting in *good faith*.—*Seaman vs. Paten*, 2*d Caine's Reports*, 312.

But an officer entrusted by the common law or by statute is liable to an action for *negligence* in the performance of his trust, or for *fraud* or neglect in the execution of his office.—*Jenner vs. Joliffe*, 9 *John. Rep.*, 381.

For the mode of collecting the penalties, see Compiled Laws, page 1,351.

The performance of any act prohibited by statute, and for which no penalty is provided by enactment, is a misdemeanor. [Compiled Laws, page 1,536.]

MISCELLANEOUS PROVISIONS RELATING TO PRIMARY SCHOOLS.

Persons paying taxes in district may send to school and be rated therein.

Sec. 137. Any person paying taxes in a district in which he does not reside, may send scholars to any district school therein, if no school is kept in his own district, on paying a tuition equal per scholar to the last previous apportionment of primary school money, [and he shall be rated therein for teachers' wages and fuel;] but he shall not have the right of voting, nor shall his children be included in the census of said district.

When district shall be divided after tax assessed and not collected; how tax collected and apportioned.

Sec. 138. Whenever any portion of a school district shall be set off and annexed to any other district, or organized into a new one, after a tax for district purposes other than the payment of any debts of the district shall have been levied upon the taxable property thereof, but not collected, such tax shall be collected in the same manner as if no part of such district had been set off, and the said former district, and the district to which the portion so set off may be annexed, or the new district organized from such portion, shall each be entitled to such proportion of said tax as the amount of taxable property in each part thereof bears to the whole amount of taxable property on which such tax is levied.

Districts in two or more townships, income of school fund; how apportioned, etc.

Sec. 139. For the purpose of apportioning the income of the primary school fund among the several townships, a district situated in part in two or more townships shall be considered as belonging to the township to which the annual report of the director is required to be made; [but money raised in any one of such townships for the support of schools therein, shall be

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(*Section* 137.) The clause in brackets is rendered nugatory by the amendments to the law in 1869, abolishing all rate-bills. On entering the school, as provided in this section, he becomes liable to the tuition prescribed; and the scholar may attend the school any portion of the school year, while no school is being taught in his own district.

(*Section* 139) The latter part of this section, included in brackets, is virtually repealed by the amendment of section 107. Money now raised in any township for the support of schools therein, is counted as belonging to the districts in which it is raised, each district receiving back all it paid of such tax,

apportioned to the districts and parts of districts therein, according to the number of children of the proper age in each.]

Sec. 140. This section is repealed.

Supervisor liable for neglect.

Sec. 141. If any supervisor shall willfully neglect or refuse to assess any taxes provided for by law, for school purposes, the same shall be assessed in the succeeding year; and the supervisor so willfully neglecting or refusing to assess, shall be liable to any district for any damage occasioned thereby, to be recovered by the assessor, in the name of the district, in an action of debt, or on the case.

Supervisor to give statement to township treasurer of certain taxes. Section 107 above.

Sec. 142. The supervisor of each township, on the delivery of the warrant for the collection of taxes to the township treasurer, shall also deliver to said treasurer a written statement certified by him, of the amount of the taxes levied under section one hundred and seven of said chapter, upon any property lying within the bounds of a fractional school district, a part of which is situate within his township, and the returns of which are made to the clerk of some other township; and the said township treasurer shall pay to the township treasurer of such other township, the amount of the taxes so levied and certified to him for the use of such fractional school district.

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except in case of library money,—provided that no district shall receive any part of such money without having maintained the requisite time of school the previous year.

(*Section* 141.) When a tax fails to be assessed, the district board should bear in mind and re-report it to the supervisor the next year, without waiting for any action of the district.

(*Sections* 142 *and* 143.) These sections, together with section 139, give the rule for the apportionment of school moneys to fractional districts. In making the apportionment of school moneys, a fractional district is to be treated as if belonging wholly to the township in which its school-house is situated, and to which the annual report of the director is to be made. But as no supervisor can assess, or township treasurer collect taxes upon property lying outside of their own township, the

Town treasurer's duties.

Sec. 143. Each treasurer of a township, to the clerk of which the returns of any fractional school district shall be made, shall apply to the treasurer of any other township in which any part of such fractional school district may be situate, for any money to which such district may be entitled; and when so received it shall be certified to the township clerk, and apportioned in the same manner as other taxes for school purposes.

Taxes in fractional districts.

School inspectors may suspend the operation of section 115.

Sec. 144. The board of school inspectors shall have power to suspend the operation of section one hundred and fifteen of said chapter, whenever they shall be of opinion that the convenience or the interest of the people of their township will be promoted thereby, and to restore the same, as in their judgment they shall think best.

Who are qualified voters.

Sec. 145. Every person of the age of twenty-one years, who has property liable to assessment for school taxes in any school district, and has been a resident therein three months preceding any district meeting, shall be a qualified voter in said meeting; and all persons

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taxes upon each fraction of the district must be assessed and collected by the officers of the township in which such fraction is situated. The taxes once collected, they are all to be paid over to the treasurer of the township in which the school-house is situated. All the public moneys belonging to the fractional district having thus come into the hands of the treasurer of the township to which such district is counted as belonging, the clerk of such township apportions the money to the district as if the entire district had been moved bodily into the township. All the money due from the primary school fund to such district, comes directly to the treasurer of the township in which the school-house stands.

(*Section* 145.) Any person twenty-one years of age, three months a resident, and having property in his or her own right liable to a school tax, of whatever nation, color, or sex, is a qualified voter, and eligible to any district office. The other class,—voters at township elections, but having no property liable to a school tax,—have the same rights, except that they

who are entitled by the laws of this State to vote at township and county elections, and residing in said district, shall be entitled to vote upon all questions arising in said district, when the raising of money by tax is not in question, and all such persons shall be eligible to office in such school district.

When school inspectors shall appoint district officers.

Sec. 146. In all cases where the board of school inspectors of any township shall form a school district therein, and where no election for school district officers shall be held, and where any school district shall neglect or refuse to elect, at the proper time, the necessary school district officers, it shall be the duty of the township board of school inspectors of the township in which such district is situated, to appoint the officers of such district from among the male persons residing in such district, of the age of twenty-one years, who are tax-payers therein; which officers thus appointed shall severally file with the director a written acceptance of the offices to which they shall have been appointed, which shall be recorded by the director.

Acceptance; where filed.

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cannot vote upon questions of taxation. They cannot vote upon the raising of a tax, or upon any motion, the passage of which directly involves a tax to carry it out, though the tax itself may not be included in the motion.

(*Section* 146.) 1. This section applies to newly organized districts in which no officers have been elected, and to districts in which all the offices have become vacant, and to the cases in which the district persistently neglects for a long time, or refuses to elect. If a vacancy occur in any old district, it is *first*, the duty and right of the remaining two members to fill it within ten days; *second*, if they do not fill it within ten days, then it is the duty and right of the district to fill it at a special meeting called for that purpose. If two vacancies occur at once, then the single remaining officer cannot fill the vacancies, but must, on request of voters, call the special meeting to elect. But if the district in this latter case refuse or neglect, for an unreasonably long time, to fill vacancies, the inspectors may interfere and appoint the officers.

When district deemed to be organized.

Sec. 147. Every such school district shall be deemed duly organized, when any two of the officers thus appointed shall have filed their acceptance as aforesaid; and such school district and its officers shall be entitled to all the rights, privileges and immunities, and be subject to all the duties and liabilities conferred upon school districts by law.

GRADED AND HIGH SCHOOLS.

Certain districts may elect board of trustees.

Sec. 148. Any school district containing more than one hundred children between the ages of five and twenty years, may elect a district board consisting of six trustees: *Provided*, The district shall so determine at an annual meeting, by a vote of two-thirds of the legal voters attending such meeting: *Provided, also*, That the intention to take such vote shall be expressed in the notice of such annual meeting. When such a change in the district board shall have been voted, the voters at such annual meeting shall proceed immediately to elect from the qualified voters of the district, two trustees for the term of one year, two for a term of two years, and two for a term of three years; and annually thereafter, two trustees shall be elected, whose terms of office shall be three years, and until their successors shall have been elected and filed their acceptances.

Term of office of trustees.

Officers to be elected by board.

Sec. 149. Within ten days after their election, such trustees shall file with the director a written acceptance of the office to which they have been elected, and shall annually elect from their own number a moderator, a director, and assessor, and for cause may remove the same, and may appoint others of their own number in their places,

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(*Section* 148.) Care should be taken to insert the notice of intention to take the vote to organize as a graded school district and to elect a board of trustees, in the regular notices of the annual meeting, as without such notice the meeting will have no power to organize under this section. It is not sufficient to insert such notice of intention in the notice of an adjourned annual meeting. If it was not in the original notice for the annual meeting, nothing can be done till another annual meeting.

who shall perform the duties prescribed by law for such officers in the primary school districts in this State, except as hereinafter provided. The trustees shall have power to fill any vacancy that may occur in their number till the next annual meeting. Whenever, in any case, the trustees shall fail, through disagreement or neglect, to elect the officers named in this section, within twenty days next after the annual meeting, the school inspectors of the township or city to which such district makes its annual report, shall appoint the said officers from the number of said trustees.

In certain cases, inspectors to appoint.

Sec. 150. Said trustees shall have power to classify and grade the scholars in such district, and cause them to be taught in such schools or departments as they may deem expedient; to establish in said district a high school, when ordered by a vote of the district at any annual meeting, and to determine the qualifications for admission to such school, and the prices to be

Trustees may grade the school and determine qualifications and tuition.

(*Section* 150.) 1. The classification of the pupils into grades need not be done by the trustees in person, but may be done by the teachers, under their authority. They should determine the qualifications and attainments necessary for admission to each grade, and prescribe the studies and text books to be pursued by each.

2. The right to make regulations includes the power to determine length of terms and vacations, the time of opening and closing the daily sessions, and to make and enforce needful rules to secure punctual and regular attendance, as well as all other matters necessary to the prosperity of the school.

3. Sections 57 and 58 now give all district boards all the powers granted in this section, except that of establishing a high school.

4. Resident pupils can be charged tuition in a high school, "in any branches taught therein." But this will not bear the construction, that the trustees may organize a department and call it the "high school," to teach the common branches and charge tuition therefor. It is held that the primary school fund was designed only for primary schools, for the teaching

paid for tuition in any branches taught therein; to employ all teachers necessary for the several schools of said district; to prescribe courses of study and text books for the use of said schools, and to make such rules and regulations as they may think needful for the government of the schools, and for the preservation of the property of the district; and also to determine the rates for tuition to be paid by non-resident pupils attending any school in said district.

To employ teachers, prescribe text books, course of study, etc.

Sec. 151. The said trustees shall present at each annual meeting, a statement, in writing, of all receipts and expenditures on behalf of the district, for the preceding year, and of all funds then on hand, and an estimate of the amounts necessary to be raised by the district, in addition to the money to be received from the primary school fund and other sources, for the support of the schools in said district for the ensuing year, and for the incidental expenses thereof; and the said district may, at each annual meeting, vote such sum to be raised by tax upon the taxable property of the district as may be required to maintain the several schools thereof, for the year: *Provided*, It shall not be lawful to vote or raise such tax, or appropriate such money, or any portion thereof, when voted and raised, for the support of any school or schools which are connected with, or in any manner under the control or direction of any particular church or religious society.

Annual statement of receipts and expenditures.

Estimate for coming year.

District may vote tax.

Proviso.

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of ordinary English studies; and that when a district incurs extra expense for teaching the higher branches and the languages, those receiving the instruction may be required to pay tuition; but the amendments to the school law in 1869, provide that all primary instruction shall be free.

(*Section* 151.) It is not necessary for the district to *vote the tax* for support of the school. The meeting having voted the kind and amount of school to be had, the district board may make the estimate of the amount needed, and report to the supervisor, under section 24, enacted at a later day than section 151, and designed to apply to all the schools. The abolition of the rate-bill system leaves but little difference, practically, between the powers of districts organized under the graded and high school law, and others.

Districts may be united to form graded schools.

Sec. 152. Whenever two or more contiguous districts, having together more than two hundred children between the ages of five and twenty years, shall severally, by a vote of two-thirds of the qualified voters attending the annual meetings in said districts, determine to unite for the purpose of establishing graded or high schools, under the provisions of this act, the school inspectors of the township or townships in which such districts may be situated, shall, on being properly notified of such vote, proceed to unite such districts, and shall appoint, as soon as practicable, a time and place for a meeting of the new district, and shall require notices of the same to be posted in each of the districts so united, at least five days before the time of such meeting; and at such meeting the district shall elect a board of trustees, as provided in section one of this act, [Sec. 148 above,] and may do whatever business may be done at any annual meeting.

Inspectors to unite them and appoint first meeting.

SCHOOL-HOUSE SITES—ADDITIONAL PROVISIONS.

Voters may designate site for school-house, by two-thirds vote.

Sec. 153. The qualified voters in any school district, having more than three hundred children between the ages of five and twenty years residing in such district, shall have power, when lawfully assembled, to designate by a vote of two-thirds of those present, any number of sites for school-houses, including a site for a union school-house, and to change the same by a similar vote at any regular meeting: *Provided*, That in case two-thirds cannot agree upon a site for said school-house,

Proviso

(*Section* 152.) Graded school districts are not restricted to nine sections of land. The districts united under this section might each have embraced nine sections. The power of the union district to establish several schools enables it to provide for a larger territory than could find convenient access to a single school. An entire township might be embraced in a single district without disadvantage. As in section 148, this vote can be taken only at an annual meeting, but no previous notice is required.

(*Section* 153.) The term union school, in this section, was probably used somewhat loosely, to designate the central high school sometimes established under the graded school system.

that a majority of the voters of said district shall have power to instruct the district board to locate said site.

Compensation for site; how ascertained.

Sec. 154. (1). Whenever a site for a school-house shall be designated, determined or established, in any manner provided by law, in any school district, and such district shall be unable to agree with the owner or owners of such site, upon the compensation to be paid therefor, or in case such district shall, by reason of any imperfection in the title to said site, arising either from break in the chain of title, tax sale, mortgages, levies, or any other cause, be unable to procure a perfect, unincumbered title, in fee simple, to said site, the district board of such district shall authorize one or more of its members to apply to the circuit judge, if there be one in the county, or to a circuit court commissioner of the county, or to any justice of the peace of the city or township in which such school district shall be situated, for a jury, to ascertain and determine the just compensation to be made for the real estate required by such school district for such site, and the necessity for using the same, which application shall be in writing, and shall describe the real estate required by such district, as accurately as is required in a conveyance of real estate.

Application for jury.

(2.) Whenever any school district shall have designated, selected or established, in any manner provided by law, a school-house site, such selection, designation or establishment, shall be *prima facie* evidence to said jury of the necessity to use the site so established.

(3.) In case the said school-house site is encumbered by mortgage, levy, tax sale or otherwise, as aforesaid, the mortgagee, or other parties claiming to be interested in said title, shall severally be made a party to the procedure as aforesaid, and shall be authorized, upon the filing of the certificate of the jury in the circuit court of said county, to appear before the circuit judge and make proof relative to their proportionate claims to said site, or the compensation to be made therefor, as determined by said jury. And the said circuit judge shall, by decree, settle their several claims in accordance with the rights of the parties respectively, and may divide the sum awarded by said jury between the claimants, as in his judgment will be

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It is to be taken, therefore, as exactly equivalent to the term high school used in section 150. This section gives some of the powers of a graded school district to any district having three hundred children of legal school ages.

equitable and right, rendering against said district a separate judgment for each of the amounts so awarded.

Jury to be summoned.

Sec. 155. It shall be the duty of such circuit judge, circuit court commissioner, or justice of the peace, upon such application being made to him, to issue a summons or venire, directed to the sheriff or any constable of the county, commanding him to summon eighteen freeholders residing in the vicinity of such site, who are in no wise of kin to the owner of such real estate, and not interested therein, to appear before such judge, commissioner or justice, at the time and place therein named, not less than twenty, nor more than thirty days from the time of issuing such summons or venire, as a jury to ascertain and determine the just compensation to be made for the real estate required by such school district for such site, and the necessity for using the same, and to notify the owner or occupant of such real estate, if he can be found in the county, of the time when and the place where such jury is summoned to appear, and the object for which said jury is summoned; which notice shall be served at least ten days before the time specified in such summons or venire for the jury to appear, as hereinbefore mentioned.

Owner to be notified.

Notice in cases where owner is unknown.

Sec. 156. Thirty days' previous notice of the time when, and the place where such jury will assemble, shall be given by the district board of such district, where the owner or owners of such real estate shall be unknown, non-residents of the county, minors, insane, *non compos mentis*, or inmates of any prison, by publishimg the same in a newspaper published in the county where such real estate is situated; or, if there be no newspaper published in said county, then in some newspaper published in the nearest county where a newspaper is published, once in each week, for four successive weeks, which notice shall be signed by the district board, or by the director or assessor of such district, and shall describe the real estate required for such site, and state the time when, and place where such jury will assemble, and the object for which they will assemble, or such notice may be served on such owner personally, or by leaving a copy thereof at his last place of residence.

Return of venire, and the proceedings thereon.

Sec. 157. It shall be the duty of such judge, commissioner or justice, and of the persons summoned as jurors, as hereinbefore provided, and of the sheriff or constable summoning them, to attend at the time and place specified in such summons or venire; and the officer who summoned the jury shall return such summons or

venire to the officer who issued the same, with the names of the persons summoned by him as jurors, and shall certify the manner of notifying the owner (or owners) of such real estate, if he was found, and if he could not be found in said county, he shall certify that fact; either party may challenge any of the said jurors for the same causes as in civil actions. If more than twelve of said jurors in attendance shall be found qualified to serve as jurors, the officer in attendance, and who issues the summons or venire for such jury, shall strike from the list of jurors a number sufficient to reduce the number of jurors in attendance to twelve; and in case less than twelve of the number so summoned as jurors shall attend, the sheriff or constable shall summon a sufficient number of freeholders to make up the number of twelve, and the officer issuing the summons or venire for such jury, may issue an attachment for any person summoned as a juror who shall fail to attend, and may enforce obedience to such summons, venire or attachment, as courts of record, or justices' courts are authorized to do in civil cases.

Attachment may issue to enforce obedience to process.

Sec. 158. The twelve persons selected as the jury shall be duly sworn by the judge, commissioner, or justice in attendance, faithfully and impartially to inquire, ascertain and determine the just compensation to be made for the real estate required by such school district for such site, and the necessity for using the same in the manner proposed by such school district, and the persons thus sworn shall constitute the jury in such case. Subpœnas for witnesses may be issued, and their attendance compelled by such circuit judge, commissioner or justice, in the same manner as may be done by the circuit court or by a justice's court in civil cases. The jury may visit and examine the premises, and from such examination and such other evidence as may be presented before them, shall ascertain and determine the necessity for using such real estate in the manner and for the purpose proposed by such school district, and the just compensation to be made therefor; and if such jury shall find that it is necessary that such real estate shall be used in the manner, or for the purpose proposed by such school district, they shall sign a certificate in writing, stating that it is necessary that said real estate (describing it) should be used as a site for a school-house for such district; also, stating the sum to be paid by such school district as the just compensation for the same. The said circuit judge, circuit court commissioner, or justice of the peace, shall sign and attach to, and endorse upon the certificate thus sub-

Jury to be sworn.

Subpœna for witnesses.

Jury to determine necessity for taking land, and compensation therefor.

Clerk to make certificate.

scribed by the said jurors, a certificate stating the time when, and the place where the said jury assembled; that they were by him duly sworn as herein required, and that they subscribed the said certificate; he shall also state in such certificate who appeared for the respective parties on such hearing and inquiry, and shall deliver such certificate to the director, or to any member of the district board of such school district.

Judgment; collection thereof.

Sec. 159. Upon filing such certificate in the circuit court of the county where such real estate is situated, such court shall, if it finds all the proceedings regular, render judgment for the sum specified in the certificate signed by such jury, against such school district, which judgment shall be collected and paid in the manner as other judgments against school districts are collected and paid.

When owner is unknown, etc., money to be deposited with county treasurer.

Sec. 160. In case the owner of such real estate shall be unknown, insane, *non compos mentis*, or an infant, or cannot be found within such county, it shall be lawful for the said school district to deposit the amount of such judgment with the county treasurer of such county, for the use of the person or persons entitled thereto; and it shall be the duty of such county treasurer to receive such money, and at the time of receiving it, to give a receipt or certificate to the person depositing the same with him, stating the time when such deposit was made, and for what purpose; and such county treasurer and his sureties shall be liable on his bond, for any money which shall come into his hands under the provisions of this act, in case he shall refuse to pay or account for the same as herein required: *Provided*, That no such money shall be drawn from such county treasurer, except upon an order of the circuit court, circuit court commissioner, or judge of probate, as hereinafter provided.

How to be drawn from county treasurer.

On payment, court may declare title vested in school district.

Sec. 161. Upon satisfactory evidence being presented to the circuit court of the county where such real estate lies, that such judgment, or the sum ascertained and determined by the jury as the just compensation to be paid by such district for such site, has been paid, or that the amount thereof has been deposited according to the provisions of the preceding section, such court shall, by an order or decree, adjudge and determine, that the title in fee of such real estate shall, from the time of making such payment or deposit, forever thereafter be vested in such school district and assigns; a copy of which decree, certified by the clerk of said county, shall be recorded in the office of the register of deeds of such county, and the title of such real

estate shall thenceforth, from the time of making such payment or deposit, be vested forever thereafter in such school district and its assigns in fee.

When district to take possession.

Sec. 162. Such school district may, at any time after making the payment or deposit hereinbefore required, enter upon, and take possession of such real estate, for the use of said district.

Proceedings when jury cannot agree.

Sec. 163. In case the jury hereinbefore provided for shall not agree, another jury may be summoned in the same manner, and the same proceedings may be had, except that no further notice of the proceedings shall be necessary; but instead of such notice, the judge, commissioner, or justice may adjourn the proceedings to such time as he shall think reasonable, not exceeding thirty days, and shall make the process to summon a jury, returnable at such time and place as the said proceedings shall be adjourned to; such proceedings may be adjourned from time to time by the said judge, or commissioner, or justice, on the application of either party, and for good cause, to be shown by the party applying for such adjournment, unless the other party shall consent to such adjournment; but such adjournments shall not, in all, exceed three months.

District board may fix amount of tuition in certain cases.

Sec. 164. The district board of any school district shall have power to fix the amount of tuition to be paid by non-resident scholars attending any of the schools in said district; and in cases where there shall be a union school in any such district, to be paid by scholars attending such union school, and to make and enforce suitable by-laws and regulations for the government and management of such union school, and for the preservation of the property of such district. Such district board shall also have power to regulate and classify the studies, and prescribe the books to be used in such school.

(*Section* 164.) This section was enacted before the law for graded schools. It has been rendered useless by subsequent enactments; the powers it confers, being secured to primary districts by the amendments to sections 57 and 58, and to graded school districts by section 150. Sections 167, 168, 169, ought properly to precede section 164.

Sec. 165. No alteration shall be made in the boundaries of any school district having a union school, without the written consent of a majority of the district board of such district.

How boundaries of district altered.

Sec. 166. Any school district having the requisite number of children between the ages of five and twenty years residing in such district, shall have power and authority to borrow money to pay for a site or sites for school-houses, to erect buildings thereon, and to furnish the same, by a vote of two-thirds of the qualified voters of said district, voting at any annual meeting, or special meeting duly called for that purpose: *Provided*, That the times of holding said meetings shall not be less than five days, nor more than six months apart, and that such school district shall have at least one hundred children between the ages aforesaid residing therein, and that in case the number of children between the ages aforesaid does not exceed two hundred, the entire amount of such indebtedness for money borrowed shall not exceed ten thousand dollars; and in case they do not exceed three hundred, such indebtedness shall not exceed twenty thousand dollars; and in case they do not exceed four hundred, such indebtedness shall not exceed thirty thousand dollars; and that

How districts may borrow money.

(*Section* 165.) The term "union school" used in this and the preceding and succeeding sections, is indefinite, there being no legal definition of the term. In popular language it is now used to designate a school of several departments or grades—a graded school; though sometimes it is applied to the public high school. It must be taken in this section to mean a graded school, as established by law, and the section will then apply only to the school districts organized with boards of trustees.

(*Section* 166.) In a positive form this section provides as follows:

Districts	with 50	children,	may borrow	$ 3,000
"	100	"	"	10,000
"	200	"	"	20,000
"	300	"	"	30,000
"	400	"	"	50,000

Districts cannot pay over ten per cent. per annum upon these loans. (*Section* 170.)

Can a District lend its Funds?—This is a question sometimes

no school district shall have an indebtedness to exceed fifty thousand dollars for money thus borrowed: *Provided further*, That any school district having over fifty and under one hundred children between the ages aforesaid, may borrow or loan not exceeding three thousand dollars.

How money drawn from county treasurer.

Sec. 167. The circuit judge, judge of probate, or circuit court commissioner of any county where any money has been deposited with the county treasurer of such county, as hereinbefore provided, shall, upon the written application of any person or persons entitled to such money, and upon receiving satisfactory evidence of the right of such applicant to the money thus deposited, make an order, directing the county treasurer to pay the money thus deposited with him to said applicant; and it shall be the duty of such county treasurer, on the presentation of such order, with the receipt of the person named therein endorsed on said order, and duly acknowledged, in the same manner as conveyances of real estate are required to be acknowledged, to pay the same; and such order, with the receipt of the applicant or person in whose favor the same shall be drawn, shall, in all courts and places, be presumptive evidence in favor of such county treasurer, to exonerate him from all liability to any person or persons for said money thus paid him.

Compensation of officers and jurors.

Sec. 168. Circuit judges, circuit court commissioners, and justices of the peace, for any services rendered under the provisions of this act, shall be entitled to the same fees and compensation as for similar services in other special proceedings; jurors, constables and sheriffs, shall be entitled to the same fees as for like services in civil cases in the circuit court.

When judge unable to attend, another may finish proceedings.

Sec. 169. In case any circuit judge, circuit court commissioner, or justice of the peace, who shall issue a summons or venire for a jury, shall be unable to attend to any of the subsequent proceedings in such case, any other circuit court commissioner, or justice of the peace, may attend and finish said proceedings.

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asked. There is no law relative to the question; but the law is such that it is to be presumed districts will sometimes have funds on hand, as for building purposes, which will not be used for some time. In such cases it seems unreasonable to conclude that the money must lie idle; and it is believed that it may be loaned, under such safeguards as the district shall direct.

Sec. 170. Whenever any school district shall have voted to borrow any sum of money, the district board of such district is hereby authorized to issue the bonds of such district in such form, and executed in such manner by the moderator and director of such district, and in such sums, not less than fifty dollars, as such district board shall direct, and with such rate of interest, not exceeding ten per centum per annum, and payable at such time or times as the said district shall have directed. Bonds issued for money loaned. Interest thereon.

Sec. 171. Whenever any money shall have been borrowed by any school district, the taxable inhabitants of such district are hereby authorized, at any regular meeting of such district, to impose a tax on the taxable property in such district for the purpose of paying the principal thus borrowed, or any part thereof, and the interest thereon, to be levied and collected as other school district taxes are collected. District may raise tax to pay loan.

SURPLUS SCHOOL MONEYS.

Sec. 172. The qualified voters in any school district, having a surplus of money, arising from the two-mill tax, and unexpended, when assembled at any annual or special school meeting, called in accordance with existing provisions of law therefor, shall have power to appropriate and use any such surplus money for any of the following purposes, to wit: Surplus money; how disposed of.

First. For purchasing or enlarging school lot or lots;

Second. For building or repairing school-houses;

Third. For purchasing books for district library, maps and other school apparatus, or any incidental expenses of the school: *Provided however,* That a school be maintained in each of said school districts at least eight months in each year: *And provided further,* That no money arising from the primary school fund shall be appropriated to any other purposes than that of paying teachers in any such school district.

(*Section* 172.) 1. No surplus moneys can be diverted under this section till after the school has been maintained eight months within the school year.

2. The order of the purposes as named, to which the surplus is to be appropriated, is not essential. The voters may appropriate to either of the purposes named.

APPEAL FROM INSPECTORS TO TOWNSHIP BOARD.

Sec. 173. Whenever any five or more tax-paying electors, having taxable property within any school district, shall feel themselves aggrieved by any action, order, or decision of the board of school inspectors, with reference to the formation, or any division or consolidation of said school district, they may, at any time within sixty days from the time of such action on the part of said school inspectors, appeal from such action, order, or decision of said board of school inspectors to the township board, or boards of the townships in which such school district is situated; and in case of fractional school districts, such appeal shall be made to the several township boards of the several townships in which the different parts of said fractional school district are situated, who shall have power, and whose duty it shall be to entertain such appeal, and review, confirm, set aside, or amend the action, order, or decision of the board of school inspectors thus appealed from, or, if in their opinion the appeal is frivolous, or without sufficient cause, they may summarily dismiss the same.

Sec. 174. Said appellants shall, before taking such appeal, make out and file with the board of school inspectors, or, in case of fractional school districts, to the joint boards of school inspectors, a written statement to be signed by said appellants, setting forth in general terms the action, order, or decision of the board or boards of school inspectors with respect to which the appellants feel themselves aggrieved, and their demand for an appeal therefrom to the township board or boards of said township; and shall also cause to be executed and signed by one of their number, and by two good and sufficient sureties, to be approved by the clerk of said board or boards of school inspectors, or by any justice of the peace of the township, and filed with the clerk of said board or boards of school inspectors, a bond, to the people of the State of Michigan, in the penal sum of two hundred dollars, conditioned for the due prosecution of said appeal, before said township board or boards, and

also, in case of the dismissal of said appeal as frivolous by said township board, for the payment by said appellants of all costs occasioned to the township, by reason of said appeal.

Sec. 175. Upon the the filing of such appeal papers and bond with the said board or boards of school inspectors, the said board or boards of school inspectors shall, within ten days thereafter, make out and file with the clerk of said township, a full and complete transcript of all their proceedings, actions, orders or decisions, with reference to which the appeal is taken, and of their records of the same; also, said bond and appeal papers, and all petitions and remonstrances, if any, with reference to the matters appealed from; and upon the filing of the same with the township clerk, the said township board or boards shall be deemed to be in possession of the case, and if the return be deemed by them insufficient, may order a further and more complete return by said board or boards of school inspectors, and when such return shall by them be deemed sufficient, they shall proceed with the consideration of the appeal, at such time or times, within ten days after such return, and in such manner and under such affirmation, amendment or reversal of the action, order, or decision of the board or boards of school inspectors appealed from, as in their judgment shall seem to be just and right, or if they may deem the appeal to be frivolous, they may summarily dismiss the same; but the decision of said board or boards of school inspectors shall not be altered or reversed unless a majority of such township board, not members of said board or boards of school inspectors, shall so determine.

(*Sections* 173, 174, 175.) These sections, under the title, "An act to provide for an appeal from the board of school inspectors of any school district [there is no such board known to the law,] to the township board," were passed by the Legislature, and approved April 5, 1869. Time will test the wisdom of their provisions.

AN ACT

TO PROVIDE FOR COUNTY SUPERINTENDENTS OF SCHOOLS.

SECTION 1. There shall be a County Superintendent of common schools in each organized county of this State, except as hereinafter provided, whose term of service shall be two years.

Sec. 2. The first election of the County Superintendent shall be held on the first Monday of April, 1867, and every two years thereafter. The election provided for by this act shall be conducted, as near as may be, in the same manner and by the same officers, and the inspectors of election shall make the same canvass, statement and returns, as is provided by law fo the election of a Judge of the Supreme Court, and said Superintendent shall be voted for on the same ballot as the judge aforesaid, and the board of county canvassers shall determine and declare the person thus elected to the office of County Superintendent.

Sec. 3. A certificate of election shall be immediately issued by the county board of canvassers to the person so elected to the office of County Superintendent, who shall, within twenty days thereafter, take and subscribe the oath of office prescribed by the Constitution of this State, and deposit the same with the county clerk, to be filed and preserved in his office, when it shall be the duty of the county clerk to report the name and post-office address of the County Superintendent to the Superintendent of Public Instruction; and the County Superintendent thus elected shall enter upon the duties of his office on the first day of May following, and shall hold his office at the county seat, or at some other place to be designated by the board of supervisors.

Sec. 4. The supervisors, or a majority of them, present at their first regular meeting, shall determine the compensation to be paid to the County Superintendent, but such compensation shall not be less than three dollars, nor more than five dollars for each day actually employed in the duties of his office, for such number of days as the supervisors may determine: *Provided*, That the number of days shall not be less than the number of school districts in said county, and one day for each township thereof, for the examination of teachers. The compensation of the County Superintendent shall be paid quarterly from the county treasury; but before he shall be entitled to receive such compensation, he shall file in the office of the county clerk a sworn statement of his account.

Sec. 5. The County Superintendent shall examine all persons offering themselves as teachers for the public schools, and shall attend in each township in his county, at least once in each year for that purpose, and twenty days before the time for such examinations, he shall notify the township clerk of the time and place thereof, and said clerk shall immediately cause written or printed notices of the same to be posted in three or more public places in the township. He may also hold examinations at such other times and places as he may appoint; but all examinations shall be public.

Sec. 6. He shall grant certificates, in such form as shall be prescribed by the Superintendent of Public Instruction, licensing as teachers all persons whom, on thorough and full examination, he shall deem qualified in respect to good moral character, learning, and ability to instruct and govern a school; but no certificate shall be granted to any person who shall not pass a satisfactory examination in orthography, reading, writing, grammar, geography, and arithmetic. No person shall be accounted a qualified teacher, within the meaning of the primary school law, nor shall any school officer employ or contract with any person to teach in any of the public schools of this State, who has not such a certificate in force, or the certificate pro-

vided by law to be given to the graduates of the State Normal School, or the certificate of the Superintendent of Public Instruction: *Provided*, That the certificates heretofore granted by the school inspectors shall be valid for the term for which they were given, unless sooner revoked by the County Superintendent, on examination: *Provided also*, That the school inspectors may examine teachers and grant certificates, until a County Superintendent is elected and qualified, and whenever there shall be a vacancy in that office; but no certificate hereafter granted by the school inspectors shall be valid beyond three months after the next subsequent election of a County Superintendent.

Sec. 7. There shall be three grades of certificates for teachers, to be granted by the County Superintendent in his discretion, as follows, viz:

1. The certificate of the first grade shall be granted to no person who has not taught at least one year in this State, with approved ability and success, and it shall be valid throughout the county, in and for which it was granted, for two years.

2. The certificate for the second grade may be granted to any person of approved learning, qualification and character, and shall be valid throughout the county for one year.

3. The certificate of the third grade shall license the holder thereof to teach in some one specified township, and shall not continue in force for more than six months. The County Superintendent may revoke any teacher's certificate for any reason which would have justified the withholding thereof when the same was given, or for gross negligence of duty, or for incompetency or immorality, which reason shall not be spread upon the records of said Superintendent, unless requested by the teacher; but no certificate shall be revoked without a reëxamination, unless the holder of such certificate shall, after reasonable notice, neglect or refuse to appear before the Superintendent for such reëxamination. The Superintendent shall keep a record of all the certificates granted or annulled by him, with the date, grade and duration of each, and shall deliver such

record, with all other books and papers belonging to his office, to his successor.

Sec. 8. The Superintendent of Public Instruction, on such evidence as may be satisfactory to him, may grant certificates licensing the holders thereof as teachers, duly qualified to teach in any of the primary or graded schools in this State, which certificate shall be valid until duly revoked by the Superintendent.

Sec. 9. It shall be the duty of the County Superintendent:

1. To visit each of the schools in his county at least once in each year, to examine carefully into the discipline and the modes of instruction, and into the progress and proficiency of the pupils, and to make a record of the same, and to counsel with teachers and district boards as to the course of studies to be pursued, and for the improvement of the instruction and discipline of the schools.

2. To note the condition of the school-house and appurtenances thereto, and to suggest plans for new school-houses to be erected, and for warming and ventilating the same, and the general improvement of school-houses and grounds.

3. To inquire into the condition of district and township libraries, and to counsel, if necessary, for the better management of the same; and to see that the money collected from fines is devoted to the increase of said libraries.

4. To promote, by public lectures and teachers' institutes, and by such other means as he may devise, the improvement of

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(*Section* 7.) This cannot be construed to give the Superintendent power to revoke a certificate given by the Board of Instruction of the Normal School. Cases of *discipline* with teachers holding a Normal School certificate, must be referred to the Normal School board.

(*Section* 8.) The Superintendent of Public Instruction grants certificates only to teachers of experience and established reputation.

the schools in his county, and the elevation of the character and qualifications of the teachers thereof.

5. To consult with the teachers and school boards to secure the more general and regular attendance of the children in his county upon the public schools.

Sec. 10. It shall be the duty of the County Superintendent to receive all such blanks and communications as may be directed to him by the Superintendent of Public Instruction, and to dispose of the same in the manner directed by the said Superintendent.

Sec. 11. The annual reports of the township inspectors, provided by section 79, [of the school laws,] of chapter 78, of the compiled laws, shall hereafter be made to the County Superintendent, and he shall, immediately after receiving such reports, file copies of the same in the office of the county clerk and transmit duplicates thereof, together with such other information as may be required of him, to the Superintendent of Public Instruction. He shall examine into the correctness of the inspectors' reports, and may, when necessary, require the same to be amended, and shall indorse his approval on such as he shall find correct. In case of a vacancy in the office of County Superintendent, the reports of the school inspectors shall be received and transmitted as aforesaid by the county clerk.

Sec. 12. The County Superintendents shall be subject to such rules and instructions as the Superintendent of Public Instruction may, from time to time, prescribe; and they shall make reports annually to the Superintendent of Public Instruction, at such times as he may direct, of the official labor performed, and of the general condition and management of the schools under their charge, and such other information as may be required of them by the said Superintendent.

Sec. 13. No County Superintendent shall act as agent for any author, publisher, or book-seller, or shall, directly or indirectly, receive any gift, emolument or reward for his influence in recommending the purchase or use of any library or school-book, or school apparatus, or furniture of any kind whatever;

any act herein prohibited, shall be deemed a violation of his oath of office, and any employment of such Superintendent by any author, publisher, or book-seller, for that purpose, shall be deemed a misdemeanor.

Sec. 14. Whenever by death, resignation, or removal, or otherwise, the office of County Superintendent shall become vacant, the State Superintendent shall have power to fill such vacancy.

Sec. 15. All schools which, by special enactment, may have a board authorized to inspect and grant certificates to the teachers employed by the same, shall be exempt from the provisions of this act, except as is provided in sections eight and eleven.

Sec. 16. Section ninety-one, [of the school laws,] of chapter seventy-eight, of compiled laws, shall be amended so as to read as follows:

Sec. 91. The whole number of meetings of the township board of inspectors, during any one year, at the expense of the township, shall not exceed four; and the township clerk shall give at least ten days' public notice of any meeting of the board, by posting such notice in three public places in the township.

Sec. 17. Sections seventy-four, eighty-five, eighty-six, eighty-seven, eighty-eight, eighty-nine, and ninety, [of the school laws,] of chapter seventy-eight, of the compiled laws, and all other acts or parts of acts inconsistent with this act, are hereby repealed.

Sec. 18. This act shall not take effect in any county, unless there be at least ten school districts in such county.

AN ACT

TO PROVIDE FOR A TAX UPON DOGS.

SECTION 1. *The People of the State of Michigan enact,* That in all the townships and wards of the cities of this State, there shall be annually levied and collected the following tax upon dogs: Upon every male dog over two months old, owned or kept by any one person or family, one dollar; upon every female dog owned or kept by any one person or family, three dollars.

Sec. 2. The assessor of every township or ward, at the time of making his annual assessment, shall inquire and ascertain the number of dogs liable to be taxed, and shall enter in lists, to be made by him, the name of every person in his respective township or ward owning or keeping any dog subject to the above tax, the number kept by such person, and the amount of tax to be paid by him.

Sec. 3. The assessor of every township and ward shall, on or before the fifteenth day of May, in each year, make out a duplicate of the lists made by him, as provided in the preceding section, and file the same with the township or city clerk of their respective townships or cities; said taxes, as provided for in the preceding sections of this act, shall be assessed to, and collected from such persons as shall be liable for the same, in the same manner as other township and city taxes are assessed and collected.

Sec. 4. The collector to whom such tax roll shall be delivered, shall proceed and collect the sums of money therein specified, in the same manner and with like authority in all respects, as in the collection of taxes imposed by the board of supervisors

LIBRARY OF THE UNIVERSITY OF MICHIGAN

of the county, and shall, after deducting the commission allowed by this act, retain the remainder in the township or city treasury, subject to the order of the district officers of the several primary school districts of his respective township or city, and the same remedies to compel such collection and the payment over of the money may be had against such collectors and their sureties, as in the case of a tax levied by the board of supervisors.

Sec. 5. The collectors shall be allowed to retain a commission of four per cent. upon all sums of money collected by them under the provisions of this act, and shall make and deliver a correct statement and account for the amount of money so collected, to the township board of their respective townships, and to the city treasurer of cities, at the time of making their annual settlement with said boards and treasurers.

Sec. 6. If any person assessed for any such dog shall refuse or neglect to pay the tax so assessed for ten days after the demand thereof, it shall be lawful for any person to kill the dog so taxed.

Sec. 7. The moneys so collected shall be apportioned among the several primary school districts of the respective townships or cities, at the same time, and in the same manner, and for the same purposes as other primary school funds are distributed.

(*Section* 7.) It is believed that this section (which is not very definite, from the fact that all school funds are not apportioned in the same manner) must be construed to mean that the money raised in each township shall be apportioned upon the scholar to all the districts and *parts of districts* in the township. That was undoubtedly the design of the law. The amount of money raised under this law is considerable. The exact amount is unknown—only a portion of the districts reporting it by itself. In 1868, reports from 2,175 districts, gave $24,229. If other districts averaged as much as these, the amount in the State was $54,088.

Sec. 8. Any township or city officer who shall willfully neglect or refuse to perform any of the duties imposed upon him by this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars for each offense.

Sec. 9. Every person in possession of any dog, or who shall suffer any dog to remain about his house for the space of twenty days previous to the assessment of a tax, or previous to any injury, chasing or worrying of sheep, shall be deemed the owner of said dog, for all purposes of this act: *Provided*, That this act shall not apply to the Upper Peninsula, nor to any county where sheep are not kept.

(*Section* 8.) The interest that the public has in the avails of this tax, and the severe penalty for failing to assess it, ought to insure a faithful execution of the law.

SCHOOL DISTRICT LIBRARIES.

[Act Approved February 15, 1859.]

Sec. 1. At the annual town meetings to be held in April next, the legal voters voting in the respective townships of the State, shall determine, by ballot, for the continuance of the township library, or for the establishment of district libraries in the place thereof. A separate box shall be kept for their votes, and the ballots shall have written or printed thereon, "township library," or "district libraries." If a majority of the ballots so cast in any township, shall have "township library" thereon, the library shall remain as before; but if a majority of the ballots shall have "district libraries" thereon, then the township inspectors, at their next meeting thereafter, shall proceed to divide the township library equitably among the districts and parts of districts in such township, in proportion to the number of children of legal school ages therein, and shall deliver the same to the district boards of the districts to which they may be apportioned. Said books shall thereafter belong to the respective districts, and shall constitute district libraries for the use of the residents of such districts.

District libraries; how established.

Duty of township inspectors.

(*Section* 1.) 1. The books apportioned to a fractional district are to be kept as a district library for that district. They cannot be put into the township library of any other township in which such fractional district may be partly situated, but must be retained as a district library *for the use of the district.*

2. The authority to vote a division of the township library, under this section, was confined to the year of its enactment. The power to divide township into district libraries belongs, under a later amendment of section 114, to the board of inspectors, whenever requested by the majority of the districts. There is no law for changing the district libraries back to township.

District board to have management of library.

Sec. 2. The district board shall be held accountable for the proper care and preservation of the district library, and shall have power to provide for the safe keeping of the same; to prescribe the time for taking and returning books, and to assess and collect all fines and penalties for the loss or injury of said books. The district board shall appoint a librarian, and determine the place where the library shall be kept, but in all cases in which the library may be properly secured at the district school-house, it shall be kept at such school-house.

Where kept. Library money; how disposed of.

Sec. 3. The library moneys belonging to any township so determining in favor of district libraries, or which may hereafter belong to such township, shall be apportioned among the several districts thereof, in the same manner as the primary school moneys are apportioned, and shall be expended by the district boards in purchasing books for the district libraries.

(*Section* 2.) 1. The district board may appoint a librarian, and remove him at pleasure.

2. The board are authorized by the law to provide a suitable case, without waiting for a vote of the district. The case should be commodious in size, and strong. It should be also provided with a good lock and key.

3. Whenever the district board may deem it safe to keep the library at the school-house, it must be deposited there. Perhaps in most instances, if a suitably strong case is provided, it will be found safe to keep the library at the school-house during the school-terms. It will frequently be found desirable to appoint the teacher librarian, and especially if the library is kept at the school-house.

4. Before delivering the books to the librarian, two lists of such books should be made, one to be kept by the district board, and the other to be furnished to the librarian, and notes should be made of the condition of each book. The librarian's receipt should be attached to the list retained by the board.

5. The district board should also make some written rules for the drawing and returning of the books, with penalties for their injury or loss, and should appoint the time (say Friday afternoon of each week) when the library shall be open.

Sec. 4. It shall be the duty of the State Board of Education to make a list of books which are unsectarian in character, and suitable for district or township libraries, which list they may from time to time revise and amend; to advertise for proposals for furnishing the same, and to contract with the lowest responsible bidder to furnish such books to the districts or townships ordering them, in suitable binding and at stipulated prices; said contract to be made biennially, and the advertisements for proposals to be made in at least two papers of the largest circulation in the State, for one month before making the contract. Previous to the first day of January in each year, the Superintendent of Public Instruction shall send to the director of each district having a district library, and the clerk of each township having a township library, a list of the books contracted for, with the prices of the same, from which list the district board, or township board of inspectors shall, unless a different order shall have been made by the voters of the district or township, annually or oftener, select and purchase books for the district or township libraries, to the full amount of library moneys in their hands.

State board to select list of books.

To contract for books.

List to be sent to districts and townships.

School officers must purchase from list.

Sec. 5. It shall be lawful for any persons or board entrusted by law with the control of town or other public libraries, to lease a suitable room or rooms for the accommodation thereof, or to contract with any incorporated polytechnic or literary or scientific association for the safe keeping of any such library, in the rooms or buildings of any such association, for such period as may be agreed upon: *Provided*, Such library shall continue under the control of the persons or board entrusted with the same by law: *And provided also*, That no such association shall thereby obtain any interest in the ownership of such library, or in the funds

Persons may lease rooms or contract for safe keeping of libraries.

(*Section* 4.) The purpose of this section is two-fold: 1st. To give the districts the benefit of a general contract, under which they may get books cheaper, and more conveniently; and 2d. To secure the districts against bad books, by furnishing them a carefully selected list to select from. To secure these advantages, the school officers are required to purchase under the contract unless the people direct otherwise.

provided for its support, and that no further restriction shall be placed upon the free use thereof, by the public, than would be imposed had no such arrangement been made.

(*Section* 5.) This section was enacted in 1869, and modifies section 2, enabling the board to have the library kept in connection with another corporation.

RULES FOR TOWNSHIP LIBRARIES.

The following rules are prescribed under section (2174,) page 708, compiled laws, which requires the Superintendent of Public Instruction to annex to the school laws, such rules as he may think proper, for the government of such libraries:

1. The township librarian shall properly label and number each book in the township library, and keep a catalogue of the same, showing the title and number of each book.

2. The times for drawing and returning books by the district directors shall be on the first Saturday of January, April, July and October, between the hours of 10 o'clock A. M. and 3 o'clock P. M., or at other times, in the discretion of the librarian. The librarian shall charge directors with the books drawn by their *numbers*, and credit or cancel the same when returned.

3. Any resident of a district may draw books from the director, on each Friday, from 3 o'clock till 5 o'clock P. M., but any person under fourteen years of age must present a written request from his parent or guardian.

4. No person shall be entitled to more than one volume at a time unless they are of the same work; and no family shall draw more than one volume while other families wishing books are unsupplied.

5. No person shall loan a library book to any one out of his own house, under a penalty of twenty-five cents for each offense; and no person shall retain a book more than two weeks, under a penalty of five cents for each day beyond that time; nor shall any person draw a book while unlawfully detaining a volume from the library, or while any fine against him remains unpaid

6. Any person losing or destroying a library book shall pay the cost of such book, and a penalty equal to twenty-five per cent. of said cost; and any person unnecessarily injuring a book shall pay the full damage thereto, the same to be determined by the director.

7. In townships where the inspectors shall have suspended section 115 of the school laws, the township librarian shall loan the books to the residents of the township, under the same rules as above given for the directors to loan to the districts.

8. All moneys received for fines or penalties by the directors shall be paid over to the township librarian, who shall pay the same, together with all other moneys he shall receive of similar character, into the township library fund.

9. The township librarian shall, on the first of September in each year, make a written report to the inspectors, setting forth the number of volumes in the library, and their condition. The report shall state what books have been added to the library during the year, and what lost, if any; and what amount of fines have been imposed and collected; the number of volumes that have been drawn, and whether by directors or under suspension of section 115, together with such other particulars as the inspectors shall direct; which report the inspectors shall place on file, and forward a duplicate thereof to the Superintendent of Public Instruction.

NORMAL SCHOOL DIPLOMAS.

The following is the act authorizing the State Board of Education to grant diplomas to graduates of the State Normal School, as amended March 14, 1863:

SECTION 1. The State Board of Education is authorized to grant to such students as shall have completed the full course of instruction in the State Normal School, and shall have been recommended by the board of instruction, a diploma, which, when signed by the members of the Board of Education, and by the board of instruction, shall be evidence that the person to whom such diploma is granted is a graduate of the State Normal School, and entitled to all the honors and privileges belonging to such graduates.

Sec. 2. The board of instruction of the Normal School shall give to every graduate receiving such diploma, a certificate, which shall serve as a legal certificate of qualification to teach in the primary schools of any township in this State, when a copy thereof shall have been filed or recorded in the office of the clerk of such township. Such certificate shall not be liable to be annulled, except by the board of instruction, but its effect

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(*Section* 2.) No part of this section has been formally repealed, but the County Superintendent law is unquestionably designed to take the subject of inspection entirely out of the hands of the township inspectors in counties having a Superintendent, although, by an oversight, the power of suspension of

may be suspended in any township, and the holder thereof may be stricken from the list of qualified teachers in such township, by the school inspectors, for any cause that would authorize them to annul a certificate given by themselves.

Normal School certificates was not given to the County Superintendents. The only alternative, therefore, is a reference of any case that may arise, to the Board of Instruction of the Normal School.

TEACHERS' INSTITUTES.

[Act as amended March 16, 1861.]

SECTION 1. Whenever reasonable assurance shall be given to the Superintendent of Public Instruction, that a number not less than fifty, or in counties containing a population of less than twelve thousand inhabitants, whenever twenty-five teachers of common schools shall desire to assemble for the purpose of forming a Teachers' Institute, and to remain in session for a period of not less than five working days, said Superintendent is authorized to appoint a time and place for holding such Institute, to make suitable arrangements therefor, and to give due notice thereof.

Sec. 2. For the purpose of defraying the expenses of rooms, fires, lights, attendance, or other necessary charges, and for procuring teachers and lecturers, the Auditor General shall, upon the certificate of the Superintendent of Public Instruction, that he has made arrangements for holding such Institute, draw his warrant upon the State Treasurer for such sum as said Superintendent shall deem necessary for conducting such Institute, which sum shall not exceed one hundred dollars for each Institute of five days' duration, and shall be paid out of the general fund.

Sec. 3. Said Superintendent, in case of inability personally to conduct any Institute, or to make the necessary arrangements for holding the same, is authorized to appoint some suitable person or persons for that purpose: *Provided*, That not more than eighteen hundred dollars shall be drawn from the Treasury in any one year, to meet the provisions of this act.

TEACHERS' ASSOCIATIONS.

[Act Approved February 12, 1857.]

SECTION 1. Any fifteen or more teachers, or other persons residing in this State, who shall associate for the purpose of promoting education and science, and improvements in the theory and practice of teaching, may form themselves into a corporation, under such name as they may choose, providing they shall have published, in some newspaper printed at Lansing, or in the county in which such association is to be located, for at least one month previous, a notice of the time, place, and purpose of the meeting for such association, and shall file in the office of the Secretary of State a copy of the constitution and by-laws of said association.

Sec. 2. Such association may hold and possess real and personal property to the amount of five thousand dollars; but the funds or property thereof shall not be used for any other purpose than the legitimate business of the association in securing the objects of its corporation.

Sec. 3. Upon becoming a corporation, as hereinbefore provided, they shall have all the powers and privileges, and be subject to all the duties of a corporation, according to the provisions of chapter fifty-five of the revised statutes of this State, [Chap. 73, Compiled Laws,] so far as such provisions shall be applicable in such case, and not inconsistent with the provisions of this act.

FORMS

FOR PROCEEDINGS UNDER THE SCHOOL LAW.

No. 1.

Form of Notice by the Clerk of the Board of Inspectors to a Taxable Inhabitant of a District at the time of its formation.

[See Sections 1, 2, 3, 4, 7, and 129.]

To A.... B....:

SIR—The school inspectors of the township of ..... have formed a school district in said township, to be known as District No. ...., and bounded [here insert the description.]

The first meeting of said district will be held at ..... on the .... day of....., A. D. 18.., at .... o'clock A. M., [or P. M.,] and you are instructed to notify every legal voter of said district of the same, at least five days previous to said meeting, either personally, or by leaving a written notice at his place of residence. You will endorse on this notice a return, showing each notification, with the date or dates thereof, and deliver the same to the chairman of said meeting.

Dated this ..... day of....., A. D. 18...

(Signed,) C.... D....,

Clerk of the Board of School Inspectors.

No. 2.

Form of Notice for first Meeting—when made in Writing, to be left at the house of every Legal Voter.

[See Sections 1, 2, 15, and 129.]

To C.... B....:

SIR—School District No. ...., of the township of ..... having been formed by the inspectors, you, as a legal voter in said district, are hereby notified that the first meeting thereof will be held at .....,

on the .... day of ....., A. D. 18.., at ..... o'clock in the .....noon.

Dated this ..... day of ....., 18...

(Signed,) A.... B.....

The person appointed to give Notice.

Remarks.—If the district is in more than one township, the description will be varied accordingly.

The notice is to be given to every person, man or woman, 21 years of age, liable to pay a district tax, and three months a resident, and to all who are voters at a township meeting, though not tax-payers.

No. 3.

Form of Endorsement upon the Notice — Form No. 1 — by "Taxable Inhabitant."

[See Sections 3 and 15.]

I, A.... B...., hereby return the within (or annexed) notice, and have notified the qualified voters of the district, as follows:

NAMES.	DATE.	HOW NOTIFIED.
A.... B.....	January 1, 1864.	Personally.
C.... D.....	" "	Written Notice.
.....	.....	.....
.....	.....	.....

Dated at ....., this ..... day of ...., 18....

(Signed,) A.... B....

No. 4.

Form of Acceptance of Office by District Officers, to be filed with the Director.

[See Sections 5, 130, and 149.]

I do hereby accept the office of ..... in School District No. ...., of the township of .....

Dated this ..... day of ....., 18....

(Signed,) A.... B....

Remark.—This acceptance must be filed within ten days after the election, or appointment, or the office is vacant; except in case of re-election, or re-appointment to the same office.

No. 5.

Form of Notice of Annual Meetings.

[See Sections 11, 13, 50, and 130.]

NOTICE.—The annual meeting of School District No. ----, of the township of ----------, for the election of school district officers, and for the transaction of such other business as may lawfully come before it, will be held at ----------, on Monday, the ---- day of September, A. D. 18--, at ------ o'clock in the ------noon.

Dated this ------ day of August, 18--.

(Signed,) -------- --------, *Director.*

Remark.—This must be posted by the director in three of the most public places in the district—one of them being on the school-house, if there is one—six days before the meeting; but the meeting may be held at the usual time and place, as near as may be, though the notice is not given.

No. 6.

Form of Request to be made by five Legal Voters of a District to the District Board for the calling of a Special Meeting.

[See Section 12.]

To the District Board of School District No. ----, [*or to A---- B----, &c., one of the district board:*]

The undersigned, legal voters of School District No. ------, of the township of ----------, request you, in pursuance of section 12, of the primary school law, to call a special meeting of said district, for the purpose of ----------

Dated this ------ day of ----------, A. D. 18--

(Signed,) ------ ------,
------ ------,
------ ------,
------ ------,
------ -------.

No. 7.

Form of Notice of Special Meetings.

[See Sections 12, 13, and 50.]

NOTICE.—A *special meeting* of the legal voters of School District No. ----, in the township of ----------, called on the written request of five legal voters, [or called by the district board, as the case may be,] will be held at [the district school-house,] on the ------ day of ----------, 18--, at ------ o'clock [P. M.,] for the purpose of [here insert every object that is to be brought before the meeting.]

(Signed,) A---- B----, *Director.*

No. 8.

Form of Contract between District Board and Teacher.

[See Sections 39, 43, 60, and 85.]

It is hereby contracted and agreed between ---------- ---------- of District No. ------, in the township of ----------, county of --------, and State of Michigan, and ---------- ----------, a legally qualified teacher in said township, that the said ---------- shall teach the primary school of said district for the term of ---------- months, commencing on the -------- day of ----------, A. D. 18---; and the said ---------- agrees faithfully to observe and enforce the rules and regulations established by the district board.

The said ----------, in behalf of said district, agrees to keep the school-house in good repair, and to provide the necessary fuel, and to pay said ---------- for the said services as teacher, to be faithfully and truly rendered and performed, the sum of ---------- dollars, the same being the amount of wages above agreed upon, to be paid on or before the -------- day of --------, 18--: *Provided*, That in case said ---------- shall be dismissed from school, by the district board, for gross immorality, or violation of this contract, or shall have ---------- certificate annulled by the school inspectors, [or County Superintendent of Schools, as the case may be,] ---------- shall not be entitled to any compensation from and after such annulment or dismissal.

In witness whereof, we have hereunto subscribed our names, this ---- day of --------, A. D. 18-----

-------- --------,

-------- --------, *Teacher.*

Approved by

-------- --------

-------- --------

Remarks.—A teacher's contract must have a revenue stamp of five cents attached.

If any other time for a month than four weeks of five days in each week is agreed upon, it must be specified in the contract.

No. 9.

Form of Order upon Assessor for Moneys to be Disbursed by him for the School District.

[See Sections 29 and 53.]

Assessor of School District No. ----, Township of ----------:

Pay to the order of ----------, the sum of ---------- dollars, out of any moneys in your hands belonging to the fund, for [here insert name of fund, as teachers' wages, building, library, &c.]

Dated this -------- day of ----------, A. D. 18-----.

A---- B----, *Director.*

[Countersigned:]

C---- D----, *Moderator.*

No. 10.

Form of Warrant upon Township Treasurer for Moneys belonging to School Districts.

[See Sections 29, 53 and 109.]

Treasurer of the Township of ----------:

Pay to ----------, assessor of School District No. ----, in said township,* the sum of ---------- dollars, out of [here insert the particular fund,] in your hands, belonging to said district.

Dated at --------, this ---- day of --------, 18-----.

A---- B----, *Director.*

[Countersigned:]

C---- D----, *Moderator.*

Remark.—The board cannot legally draw a warrant upon the town treasurer in favor of anybody but the assessor.

---

* If it is for a fractional district that reports in another town, it should read—"in the township of ....."

No. 11.

Form of Report by the District Board to the Supervisor.

[See Sections 24, 56, 57, 58, 106, 107, and 108.]

Supervisor of the Township of ----------:

The undersigned, district board for School District No. ----, in said township, do hereby certify that the following taxes have been voted in said district, during the school year last closed, and estimated by the district board, under the provisions of section 24 of the school laws, viz:

[Here specify the amount of each tax voted and estimated, and the purpose to which it is appropriated, and give the sum total of the whole,] which you will assess upon the taxable property of said district, as the law directs.

Dated at --------, this ---- day of ----, A. D. 18-----.

A---- B----, *Moderator*,
C---- D----, *Director*,
E---- F----, *Assessor*.

Remarks.—If a tax is voted after the close of the school year, in time to be reported to the supervisor for assessment, the form will be varied accordingly.

This report must be made before the second Monday in October, or the supervisor cannot be compelled to make the assessment, though he *may* do it, whenever the report is made.

No. 12.

Form of Assessor's Bond.

[See Sections 61 and 62.]

Know all men by these presents, that we, A---- B----, the assessor of School District No. ----, in the township of ----------, C---- D---- and E---- F----, [his sureties] are held and firmly bound unto the said district, in the sum of [here insert a sum of double the amount expected to come into the assessor's hands], to be paid to the said district; for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such, that if A---- B----, assessor of said district, shall faithfully apply all moneys that shall come into his

hands, by virtue of his office, then this obligation shall be void; otherwise of full force and virtue.

Sealed with our seals, and dated this .... day of .... A. D. 18...

A.... B...., [L. S.]
C.... D...., [L. S.]
E.... F...., [L. S.]

Signed, sealed and delivered in presence of

.....
.....

Remark.—This bond should be endorsed as follows:

"We approve the within bond."

(Signed,) G.... H...., *Moderator*,
I.... K...., *Director*.

Remark.—The assessor's bond requires a revenue stamp of one dollar.

No. 13.

Form of Bond to be given by the Chairman of the Board of School Inspectors.

[See Sections 68, 69 and 70.]

Know all men by these presents, that we, A.... B...., the chairman of the board of school inspectors of the township of ....., and C.... D.... and E.... F...., [his sureties,] are held and firmly bound unto the said township, in the sum of [here insert the sum of double the amount to come into said chairman's hands, as nearly as the same can be ascertained], for the payment of which sum well and truly to be made to the said township, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such, that if A.... B...., chairman of the board of school inspectors, shall faithfully appropriate all moneys that may come into his hands by virtue of his office, then this obligation shall be void; otherwise, of full force and virtue.

Sealed with our seals, and dated this .... day of ...., A. D., 18...

A.... B...., [L. S.]
C.... D...., [L. S.]
E.... F...., [L. S.]

Signed, sealed and delivered in presence of

.....
.....

"I approve the within bond."

(Signed,) G.... H...., *Township Clerk*.

Remark.—This bond should be given before any moneys come into his hands, and should be endorsed as above, by the township clerk. It also requires a revenue stamp of one dollar.

No. 14.

Form of Appointment of District Officers by District Board.

[See Section 66.]

The undersigned, members of the district board of School District No. ----, in the township of ----------, do hereby appoint A---- B----, *Director* of said district, to fill the vacancy created by the removal, [resignation or death, as the case may be,] of C---- D----, the late incumbent.

Dated this ---- day of --------, A. D., 18--.

E---- F----, *Moderator*,
G---- H----, *Assessor*.

Remark 1.—The words in *italics* in the above form, should be varied to suit the case.

Remark 2.—The director should record any appointment that may be made, and persons appointed to office should file with the director a certificate of acceptance, according to the provisions of section 5. [See Form No. 4.]

No. 15.

Form of Appointment of District Officers, by School Inspectors.

[See Section 146.]

The undersigned, school inspectors for the township of ----------, do hereby appoint O----- P-----, *Assessor* [insert names of other appointees] of School District No. ----, in said township; the district having failed to elect.

Dated this ---- day of ----, A. D. 18--

A---- B----,
C---- D----,
E---- F----,
School Inspectors.

No 16.

Form of Certificate to be given by School Inspectors to Qualified Teachers.

[See Sections 39, 85, 86, 87, 88, 89 and 90.]

It is hereby certified, that A.... B....., has passed a satisfactory examination before us in the following branches, viz:

Othography, Reading, Writing, Grammar, Geography, Arithmetic, ----------, and is able to give instruction in the same. *He* has moreover been found of good moral character, and of competent ability to teach a school, and we have therefore licensed *him* to teach in the schools of this township of ----------, in the county of ----------, for the term of [here insert the time], from the date hereof.

Given under our hands, this .... day of ...., A. D. 18..

C.... D....,
E.... F....,
G.... H....,

School Inspectors of the Township of ...., County of ...., Mich.

No. 17.

Form of Notice of Meeting of Inspectors for Examination of School Teachers.

[See Section 86.]

Notice is hereby given, that for the purpose of making an examination of all persons who may offer themselves as candidates for teachers of the primary schools of this township, the board of school inspectors thereof will meet [here insert the time and place of meeting].

Dated this .... day of ...., 18..

A..... B.....,
Township Clerk.

Remark 1.—Whenever the inspectors deem it necessary to reëxamine any teacher, they shall serve the following notice upon him, according to the provisions of section 90:

Form of Notice of Reëxamination.

To A..... B.....:

SIR—You are hereby notified that the undersigned, school inspectors for the township of ....., will hold a meeting at ....., on the ..... day of ....., at .... o'clock, ... M. You will please appear before them at the time and place aforesaid, for reëxamination. It is our purpose to annul your certificate if you are found deficient in the qualifications requisite for a primary school teacher.

☞ This notice should be dated and signed in the same manner as the above Certificate

Remark 2.—In case it be found necessary to annul the teacher's certificate, it shall be sufficient for that purpose for the clerk of the board of school inspectors to make the usual record of their proceedings: *Provided*, The teacher appears before them and gives up his certificate, which it is his duty to do. Otherwise, in addition to said record, the inspectors shall cause the following notice to be posted up in three public places in the township, or to be inserted in a newspaper of the township, if there be one:

"The undersigned, school inspectors for the township of ....., having this day reëxamined A.... B...., a primary school teacher in said township, and regarding him incompetent to discharge the duties of his office, we hereby give notice that his certificate is annulled according to the provisions of law."

☞ This notice should be dated and signed in the same manner as the preceding one.

No. 19.

Form of Certificate to be given to the Director of a School District, by the Board of School Inspectors when they establish the Site.

[See Sections 19 and 20.]

The inhabitants of District No. ...., in the township of ....., having failed, at a legal meeting, to establish a site for a school-house, the board of school inspectors hereby certify, that they have determined that the said site shall be as follows: [Describe as in the deed].

Given under our hands this .... day of ...., A. D. 18....

A.... B.....,
C.... D.....,
E.... F.....,
School Inspectors.

No. 20.

Form of a Deed.

[See Section 59.]

Know all men by these presents, that A---- B----, and C---- D----, his wife, of the township of ----------, in the county of ----------, and State of Michigan, party of the first part, for and in consideration of the sum of ---------- dollars, to them paid by the district board of School District No. ----, of the township, county, and State aforesaid, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey to School District No. ----, the party of the second part, and their assigns forever, the following described parcel of land, namely: [Here insert description]; together with all the privileges and appurtenances thereunto belonging, to have and to hold the same to the said party of the second part, and their assigns, forever. And the said party of the first part, for themselves, their heirs, executors, and administrators, do covenant, grant, bargain and agree, to and with the said party of the second part, and their assigns, that at the time of the ensealing and delivery of these presents, they were well seized of the premises above conveyed, as of a good, sure, perfect, absolute and indefeasible estate of inheritance in the law, in fee simple, and that the said lands and premises are free from all encumbrances whatever; and that the above bargained premises, in the quiet and peaceable possession of the said party of second part, and their assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, they will forever warrant and defend.

In witness whereof, the said A---- B----, and C---- D----, his wife, party of the first part, have hereunto set their hands and seals, this -------- day of ----------, A. D. 18--.

A---- B----, [SEAL.]
C---- D----, [SEAL.]

Signed, sealed and delivered in presence of

H---- I----,
J---- K----.

Remark 1. In order to protect the district in its title to a site, the deed thereof must be recorded in the county register's office.

Remark 2. If the land conveyed is less than $100 in value, no revenue stamp is required. If valued at more than $100, the deed will require a stamp, as follows:

Exceeding	$ 100,	and not exceeding		$500,	50 cts.
"	500	"	"	1,000	$1 00
"	1,000	"	"	2,500	2 00
"	2,500	"	"	5,000	5 00
"	5,000	"	"	10,000	10 00

☞ It will readily be seen how the preceding form should be varied, in case the person giving a deed is unmarried.

No. 21.

Form of a Lease.

[See Section 59.]

Know all men by these presents, that A---- B----, of the township of ----------, in the county of ----------, and State of Michigan, of the first part, for the consideration herein mentioned, does hereby lease unto School District No. ----, in the township, county, and State aforesaid, party of the second part, and their assigns, the following parcel of land, to wit: [Here insert description,] with all the privileges and appurtenances thereunto belonging; to have and to hold the same for and during the term of ---------- years from the ---------- day of ----------, A. D. 18--. And the said party of the second part, for themselves and their assigns, do covenant and agree to pay the said party of the first part, for the said premises, the annual rent of ---------- dollars.

In testimony whereof, the said parties have hereunto set their hands and seals, this -------- day of ----------, A. D. 18--.

A---- B----, [SEAL.]
Lessor.

C---- D----,
E---- F----, } [SEAL.]
G---- H----,

District Board of School District No. ----, of the aforesaid Township.

Signed and sealed in the presence of

I---- J----,
K---- L----.

Remarks. If the district proposes to build of brick on a leased lot, (a very improbable thing,) it must have a lease for ninety-nine years; and if it proposes to build a frame house, the lease must be for fifty or more years, or a clause inserted in the lease authorizing the district to remove the house. (Sec. 59.)

A lease, like a deed, must be recorded in the register's office, in order to protect the district in its title to a site.

A perpetual lease requires the same stamp as a deed.

☞ The lessor will probably want a copy of the lease. If so, a duplicate should be made and signed as above, and placed on file with the director, to be delivered with other papers of his office to his successor.

No. 22.

Form of Warrant on the Township Treasurer for Library Moneys.

[See Sections 107, 109, and 116.]

To the Treasurer of the Township of ....., *County of* .....,
Michigan:

Pay to the order of ....., the sum of ..... dollars, from any library moneys now in your hands, or to come into your hands, the same being for library books purchased for the library of said township.

Dated at ....., this ..... day of ....., 18...

A.... B....,
C.... D....,
E.... F....,
Township Board of School Inspectors.

Remark. In case of a township having district libraries, the library moneys are payable to the districts, and on the order of the district officers. (See form 10.)

No. 24.

Form of Inspector's Report.

[See Sections 79, 131, 132 and 133.]

ANNUAL REPORT of the School Inspectors of the Township of ....., County of ....., to the County Clerk, for the year 18....

No. of Each District in the Township.				1	2	3	4	5	6	7	8	9				10		11	12	13	14		15		16		17
Whole Districts.	Fractional Districts.	Names of Directors for the ensuing year.	Post Office of Directors.	No. of Children in each District between the ages of five and twenty years.	Whole No. of Children that attended School during the year.	No. of Children under five, or over twenty years of age that attended School.	Average No. of months scholars between five and twenty years attended School during the year.	No. of months a School was taught during the year by qualified teacher.	No. of Volumes added to the Library during the year.	No. of Volumes in the District Library.	Paid for Books.	No. of School-Houses, and material of construction.				Value of Sch'l-Houses and Lots.		Is the School a Graded School—commonly called a Union School?	No. of Visits by County Superintendent.	No. of Visits by Director.	No. of Qualified Teachers employed.		Aggregate number of months taught by Qualified Teachers.		Total Wages of Teachers for the y'r.		Number of Months Board by District.
												Number of Stone.	Number of Brick.	Number of Frame.	Number of Log.	Dollars.	Cents.				Males.	Females.	Males.	Females.	Males.	Females.	
.....	.....	....	..	....	....	....	.....	.....	....	....	..	....	....	....	....	.....	.....	....	..	..	.....	.....	.....	.....	.....	.....	..

No. 24.—*Continued.*

FINANCIAL REPORTS of the several Districts for the year ending September ....th, 18....

No. of each District in the Township.		RECEIPTS.										EXPENDITURES.							
Whole Districts.	Fract'nal Districts.	Moneys on hand at commencement of year.	Two-Mill Tax.	Primary School Fund.		Tuition of Non-resident Scholars.	District Taxes to pay Teachers' wages.	Other District Taxes.	Tax on Dogs.	Raised from all other sources.	Total Receipts for the year.	Paid Male Teachers.	Paid Female Teachers.	Paid for building and repairing School-houses.		Paid for all other purposes.	Am't on hand at close of year.	Total Expenditures for the year.	Total Indebtedness of the Districts at close of the year.
		$ Cts	$ Cts	$ Cts	$ Cts	$ Cts	$ Cts	$ Cts	$ Cts	$ Cts	$ Cts	$ Cts	$ Cts	$ Cts	$ Cts	$ Cts	$ Cts	$ Cts	

No. 24.—*Continued.*

[Inspectors are respectfully requested, in connection with Form 24, in addition to the statistics furnished by the Directors' Reports, to fill the following blanks, the data for which are in their own hands:]

1	No. of Volumes in Town Library.....	.....
2	No. Volumes added to Town Library during the year.....	.....
3	Whole number of meetings held by Inspectors.....	.....
4	Total number of Visits made to the Schools.....	.....
5	No. of Private or Select Schools in township.....	.....
6	No. of Scholars in such Schools, as nearly as may be known.....	.....
7	Amount voted at the Spring Election for Libraries.....	$ .....
8	Amount of Fines, Penalties, &c., received from Co. Treasurer for Libraries	.....
9	Amount paid for Books for township Libraries.....	.....
10	Am't paid or due the Board of Inspectors for services for the School year..	.....

TEXT BOOKS PRESCRIBED BY THE DISTRICT BOARDS.

N. B.—Give the Titles of the Books, and the number of Schools in which such Book is Adopted.

Spelling Books.....

Readers.....

Writing Books.....

Mental Arithmetics.....

Arithmetics.....

Book-Keeping.....

Algebras.....

Geometries.....

Geographies.....

Grammars.....

Natural Philosophies.....

Chemistries.....

Physiologies.....

We do hereby certify that the foregoing is a correct abstract of the Reports of the Directors of School Districts in this Township, for the School Year next preceding the first Monday of September, 18.., which reports are now on file in the office of the Township Clerk.

.....
.....
} *School Inspectors,* { .....P. O.
.....P. O.

....., *Town Clerk,* .....P. O.

Dated at....., County of ....October.....18....

SCHOOL ARCHITECTURE.

ə chapter on School Architecture published in 1864 is here
ted, with such modifications and additions as have been
ed necessary. New designs have been obtained, and all
ɔvements discussed.

ɔonvenient school-house is one of the requisites to a suc-
ıl school. A poor and ill contrived school building dis-
ges effort, hinders the school labors, lessens the love of
ing, degrades education in the public esteem, and in all
fluences stands as a perpetual obstacle to all progress of
ıtion in its vicinity. On the contrary, a tasteful, elegant
well-arranged school-house, is a perpetual stimulant of
ıtional spirit and enterprise. Attracting pupils by its
ty, it inspires their respect for the learning of which it is
tting home, and by its convenience aids the labors of both
er and scholars.

is one of the surest signs of progress in our educational
ests, that the school-houses are steadily improving; that
ıce of the old buildings, small and inconvenient, there are
ging up large, costly, and beautiful school-houses, at once
ments and blessings to the communities by whose wise
c liberality they were erected.

is to be regretted that, in some instances, after a large
y of money and labor, in the erection of a fine edifice of
external appearance, serious defects are found in the plan
relates to the school work. The district finds itself in
ɔssion of a beautiful piece of architecture, but with a very
school-house. A better appreciation of the real and
ıtial conditions of a good school-house will, in time, lead

to an avoidance of these expensive mistakes. With the growth of educational science and art, and with the attainment of clearer views of the true processes and proper methods of instruction, will come an improved school architecture which will furnish to true and well ordered schools, suitable and convenient school-houses.

No greater folly can well be conceived than the expenditure of $75,000 or even $100,000, as has been done, in erecting a beautiful school edifice; beautiful at least in the external appearance, yet with the internal arrangements as inconvenient as they could well be made; entirely destitute of ventilation, except it may be a diminutive opening in the wall near the ceiling. It is as important to consult an experienced teacher in building a convenient school-house, as it is to seek the advice of an experienced house-wife, in planning a convenient dwelling house.

CHARACTERISTICS OF A GOOD SCHOOL-HOUSE.

The essential characteristics of a good school-house are, 1st, a sufficient amount of space to accommodate the school and its classes; 2d, a convenient distribution of room in halls and school rooms to allow free movement of the classes and of the entire school, without crowding or confusion; 3d, an arrangement of lights such as will throw an equal and sufficient illumination throughout the rooms; and, 4th, adequate provisions for warming and ventilating the rooms. To these may be added as desirable features, ample and pleasant school grounds, good walks and out-houses, and a fine architecture.

No one can so well arrange the school rooms and halls as the one who has had to do with them for years, and knows just how to plan them to make them convenient. It is the business of the architect to arrange the rooms and halls so as to secure symmetry of design; but to plan a convenient school-house with rooms and halls well arranged, requires an experienced and common-sense teacher.

SCHOOL-HOUSE SITES.

With a little care in selecting a school site, and in preserving the native trees already growing, beautiful school grounds could be secured with little expense. What is more unattractive than a dingy, ill-constructed school-house, thrust into the public street, without tree or shrub, to relieve the desolate appearance?

Sites for school-houses are usually selected with reference to the convenience of the pupils who are to be sent to school. A central location is preferred above all others. But there is one consideration that should precede even this of convenience; that is *the health of the children.* A house built on low and wet ground will have continually arising from the soil beneath and around it unwholesome exhalations, which, mingling constantly with the air in the school, will seriously affect every child of delicate organization, and, in the course of years, destroy life itself. The school-house should be built on a high and dry piece of ground, well drained if not gravel. Even the vicinity of a malarious swamp or low ground is to be avoided, as we would avoid the presence of a slow but fatal poison in the air. A gravel knoll is also desirable, since it affords a dry approach to the school-house, and prevents the carrying of so much mud and filth into the school-room.

The school grounds should embrace not less than an acre in extent, even in the country, so as to allow the house to be set well back from the dusty road, and to furnish play-grounds within the fences. A convenient form for school grounds will be found to be an area of 10 rods front by 16 rods deep, with the school-house set back six rods from the road. The grounds should be strongly fenced, the yards in the rear of the school-house being invariably separated by a high and tight board fence, the front grounds being planted with ornamental and shade trees. For a small school, an area of 8 rods front by 10 rods deep may be sufficient, the school-house being set back four rods from the front.

WARMING AND VENTILATION.

The builders of school-houses should give their chief attention to the provisions for warming and ventilating the rooms. These naturally go together, and neither can be best accomplished without the aid of the other. To warm a room, we need to supply hot air and get rid of cold air; to ventilate, we need to supply fresh air and get rid of foul air; in both cases we need a provision to empty the room and to refill it, constantly, and if our fresh air can be made hot air, then the ventilation and warming become one.

Ventilation becomes easy as soon as it is known that it is embraced in these two essential operations, viz: 1st, to *supply fresh air;* 2d, to *expel foul air.* It is evident that fresh air cannot be crowded into a room unless the foul air is permitted to pass freely out; and certainly the *foul air will not go out* without fresh air comes in to fill its place. It is useless to open ventilating flues, as I have seen in some of our school-houses, for the egress of bad air, while there is no provision for drawing in a supply of fresh air. If the flues worked at all, it would be simply to empty the room of all air—an impossibility.

When a building is warmed with furnaces which throw in constant streams of hot air, all that is needed for ventilation is foul air flues opening at the floor, to carry off the cold and foul air which will be pressed downward by the hot air which rises at once to the top of the room.

But when stoves are used a special provision needs to be made for a supply of fresh air; for without such provision the stove will only slowly warm the air already in the room as it chances to come in contact, and the heated air, escaping by crevices, will be replaced by cold air through other crevices, and the room will necessarily be either poorly warmed or badly ventilated.

In the plans of school-houses given in this work, it is proposed to bring a large supply of fresh, pure air, from outside

of the foundation walls by means of a large box tube running under the floor, and opening beneath the stove. It is recommended that the fresh air thus introduced, be confined for a little, near the stove by a sheet iron screen fastened tightly to the floor around the stove and opening over the top, or that the air be passed through a hollow drum on the top of the stove. But better still, where it can be afforded, will be found Chilson's portable furnaces, or Ruttan's air warmers. These are provided with flues to carry the cold air through the stove and send it out well heated.

A supply of fresh warm air being thus provided for, ventilating flues are provided to take the cold and bad air from the floor and carry it off above the roof. In most of the plans, the ventilating flues are built in the chimney to give the benefit of the draft which will be created by the heat of the chimney.

The simplest plan for ventilating school-rooms where stoves are used, is to commence to build the chimney on the floor, building a small fireplace and hearth. Let the fireplace be so built as to receive a register instead of an ordinary screen. This should be so set as to be easily removed when necessary. Place the stove in one corner of the room; it should be furnished with a hollow drum; into this a tin tube of the size of the opening in the drum should be inserted, coming from the outside of the house. This tube should have a damper, by means of which the air from without can be shut off when desired. Let the stove-pipe pass from the stove to the center of the room, and then to the chimney, in the back part of the room.

This arrangement would secure constant and complete ventilation, without the admission of cold currents of air, as all the air becomes heated in passing through the drum on the top of the stove. If at any time there should be too large a flow of air, this could be shut off by using the damper.

LIGHTING.

Care has been taken in all the plans specially prepared for this book, to provide for lighting the rooms by windows in the rear and both sides of the school-rooms. No windows have been admitted far enough front to permit the light to fall in the faces of the children.

The windows should reach, as near as practicable, to the ceiling, in order to throw their light well into the room. A northern light has been preferred by some as more equal; but it is desirable, when practicable, that the pupils shall sit facing the north, and the sunlight coming through southern windows is more cheerful and healthful. When too bright or warm, it should be softened by curtains.

A great mistake has been made in some of the school-houses in this State, by seating them in such a way as to have all the pupils in the room face the windows. Such an arrangement cannot be otherwise than injurious to the eyes of the pupils, as the strong light is constantly shining into them. Pupils should always be seated with their backs to the windows. There should be no windows in front of them.

WALKS AND SCRAPERS.

Good plank walks from the front gates to the doors should never be wanting, and good iron scrapers, easily made by nailing a strip of band iron on the edge of the platform or door-steps, should be provided. The ground about school-houses gets trodden into mire in wet weather, and, without these walks and scrapers, the house is soon filled with mud, which drying into fine dust, soon fills the atmosphere and covers the desks and clothes.

The three following designs are selected from the school edifices of Chicago:

The first is called the Cottage Grove School. The building is of wood, two stories high, and the general arrangement of

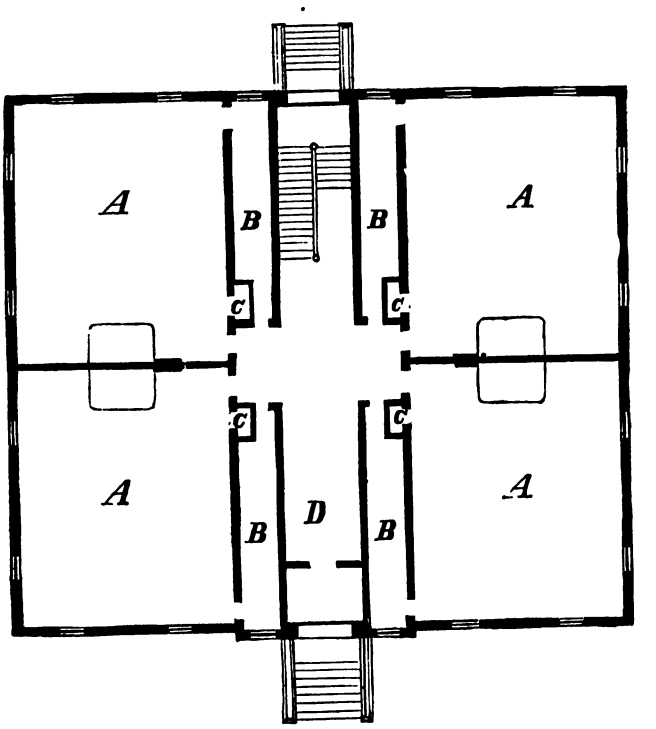
school-rooms and wardrobes is the same as that of the larger buildings. The general plan of all the school buildings of Chicago is the same. The buildings are nearly square, very plain in their exterior, but little being expended for mere ornament. They generally have three entrances,—one in front for the teachers and visitors, and one from either side for the pupils, the boys and girls entering from different sides. The side doors open into a hall that passes entirely across the building, dividing it in the centre. Another hall leads from the front door back to the centre hall. Doors open from the centre hall directly into the wardrobes, which are sufficiently wide to admit of easy passage; from these wardrobes, doors open into the school-rooms. The pupils therefore, as they come into the hall, pass through the wardrobe to enter the school-room, while the teacher enters the room directly from the hall that leads from the front door. Each room has a small closet for the use of the teacher. Each building is divided into four rooms. These are furnished with seats fronting the centre of the building.

Each room is well lighted, by windows so arranged as to throw no light into the faces of the pupils, all of it coming from behind, or falling at the side of them.

The Superintendent of the schools expressed himself as entirely satisfied with this arrangement of the buildings. He believed no better plan could be devised. The square form gave more room than any other, and the rooms were better situated to be easily lighted, heated, and ventilated. Most of the school buildings of Chicago are heated by steam. The remainder use furnaces.

The Cottage Grove School building is 77x68 feet; it contains eight rooms; each 27x33 feet, each school-room having a wardrobe attached, 5x27 feet. There is also a reception room in the front on the 2d floor over the entrance hall, (E,) 10x23 feet. The building is heated by one Lawson furnace and four stoves,

and is seated throughout with Chase's single cherry seats and desks. The arrangement of this building is easily understood by reference to accompanying plans:



COTTAGE GROVE SCHOOL—First Story.

A — School-Rooms.

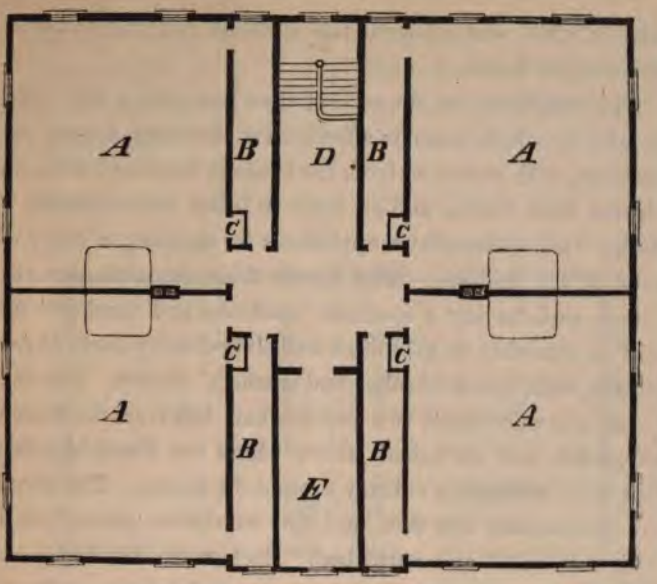
B — Wardrobes.

C — Teachers' Closets.

D — Entrance Hall.

COTTAGE GROVE SCHOOL HOUSE, CHICAGO, ILL.

CARPENTER SCHOOL HOUSE, CHICAGO, ILL.



COTTAGE GROVE SCHOOL—SECOND STORY.

THE CARPENTER SCHOOL BUILDING.

This building is four stories high, exclusive of the basement. The basement is mainly divided into four rooms, with corridors and stair-ways; one of the rooms being used for the fan, steam engine, condensers, etc.; one for fuel, and the other two as places of recreation for the pupils in inclement weather. The principal, or ground floor has four school-rooms, each having a wardrobe and teachers' closets attached; spacious corridors, with entrances on each side of the house for pupils, and a principal entrance in front. The side doors do not open directly into the corridors, but into vestibules, from which other doors open to the corridors, and also to the stair-ways leading to the upper floors and to the basement. The second and third stories only differ from the first by having windows in place of the entrances and vestibules of the first floor, and in having on each floor a reception or Principal's retiring room, ten by twenty

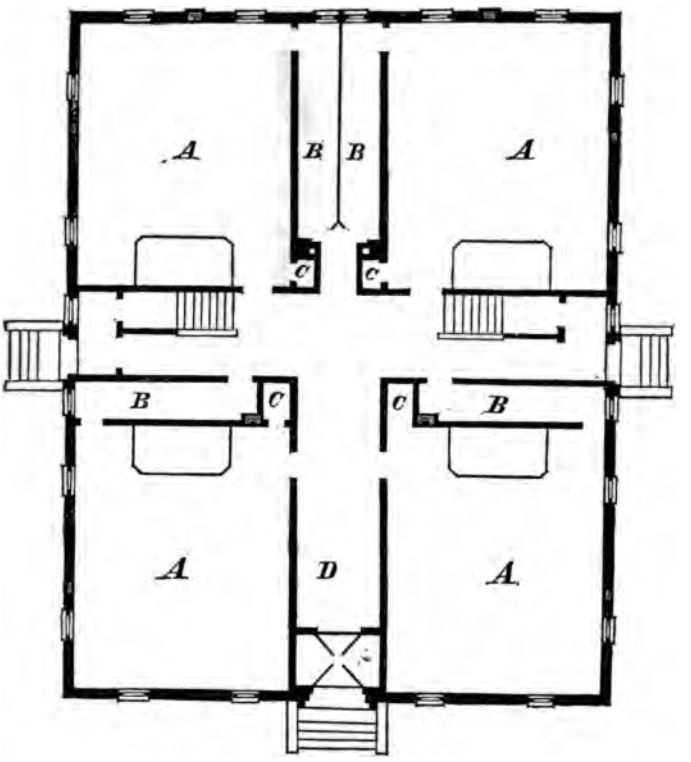
feet in area, cut off from the corridor running towards the front of the house.

The wardrobes of the second floor are only a half story in height, by which room is afforded for dressing rooms for the teachers, with entrances from the landing, furnished with water-closets, wash bowls, and all modern toilet conveniences. The design also contemplates appliances for washing in every wardrobe of the building. The fourth floor contains two school-rooms, each having a spacious wardrobe and teachers' closet, and an assembly or exhibition hall sixty-five by thirty-three feet in area, with two wardrobes and teachers' closets. The school-rooms are wainscoted two and one-half feet from the floor with ash, oiled and varnished, above which are black-boards four feet wide, extending entirely around the rooms. The corridors are wainscoted five feet, and the wardrobes seven feet high with ash, oiled and varnished. Each room has independent ventilating shafts in both the exterior and interior walls. The building is sixty-nine by eighty-seven feet on the ground, and each school-room is twenty-seven by thirty-three feet in area. The rooms of the first story are twelve feet four inches in the clear; of the second and third stories, thirteen feet six inches; and of the fourth story, fourteen feet ten inches.

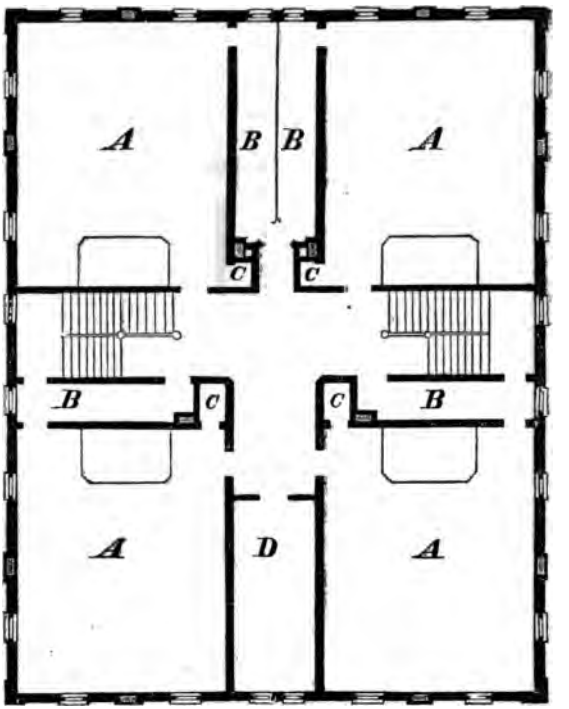
The exterior is entirely devoid of ornamentation, save in its bold, projecting buttresses which form the ventilating and chimney shafts before mentioned, and its deeply recessed door-ways, with their massive buttresses on each side. The building is to be warmed by a low-pressure steam apparatus, the boiler being located in a separate building, at the rear of the main building. Ventilation is to be secured by the use of a fan in the basement, driving the heated air in winter, and cooled air in summer.

Each of the rooms, including the hall, is furnished with sixty-three single combination desks and seats of the most approved pattern and workmanship, from the manufactory of Messrs. George & C. W. Sherwood, of Chicago.

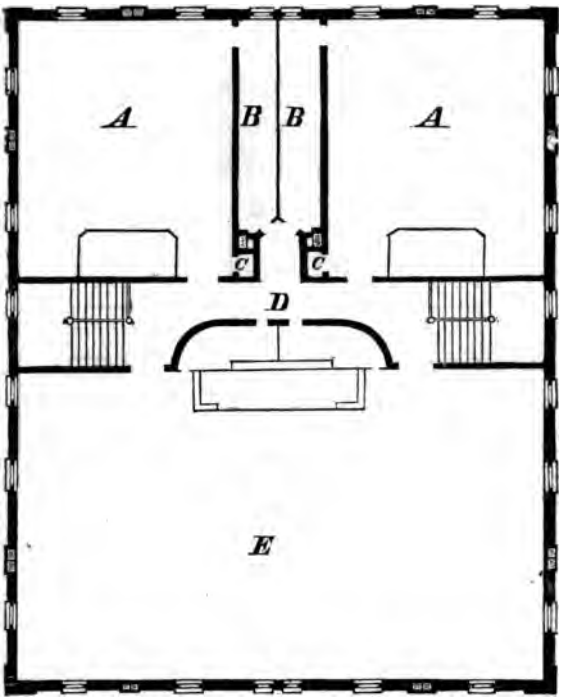
The cuts of these buildings were furnished by J. L. Pickard, iq., Superintendent of Public Schools, of Chicago. The scription of them was taken from his very able reports of 67 and 1868.



CARPENTER SCHOOL—First Story.



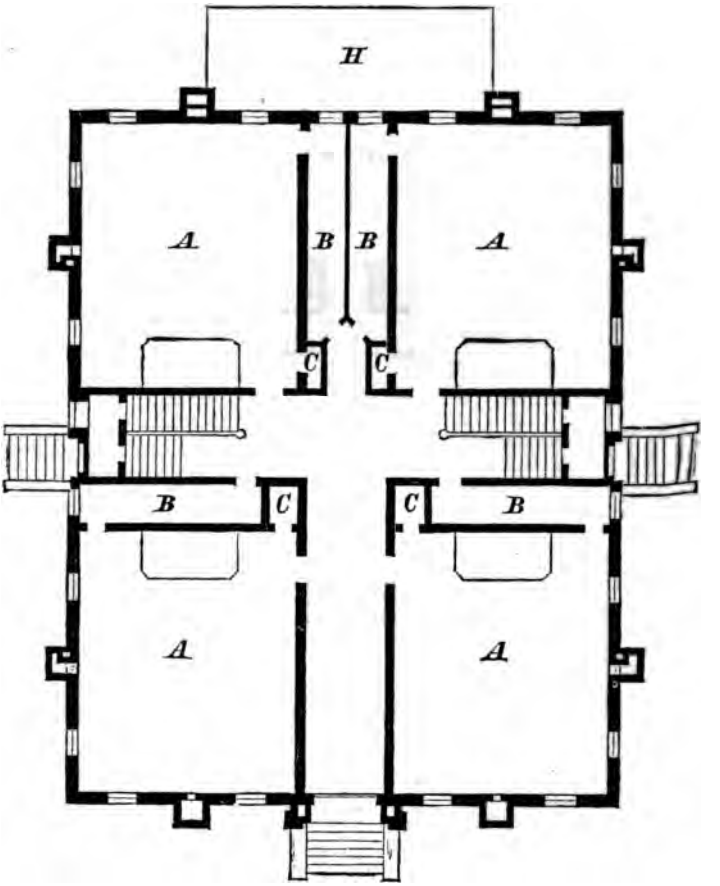
CARPENTER SCHOOL—SECOND AND THIRD STORIES.



CARPENTER SCHOOL—FOURTH STORY.

THE HAVEN SCHOOL BUILDING.

By the courtesy of the Architect, G. P. Randall, of Chicago, we are permitted to exhibit here the plans of the Haven school-house, Chicago, which is pronounced by Superintendent Wells the best school-house in that city. Only the *first* and *fourth* floors are shown here; the second and third floors being similar to the first. The arrangement by which the pupils pass through the wardrobes in going to or from the school-rooms, greatly facilitates the entrance and dismissal of the schools.



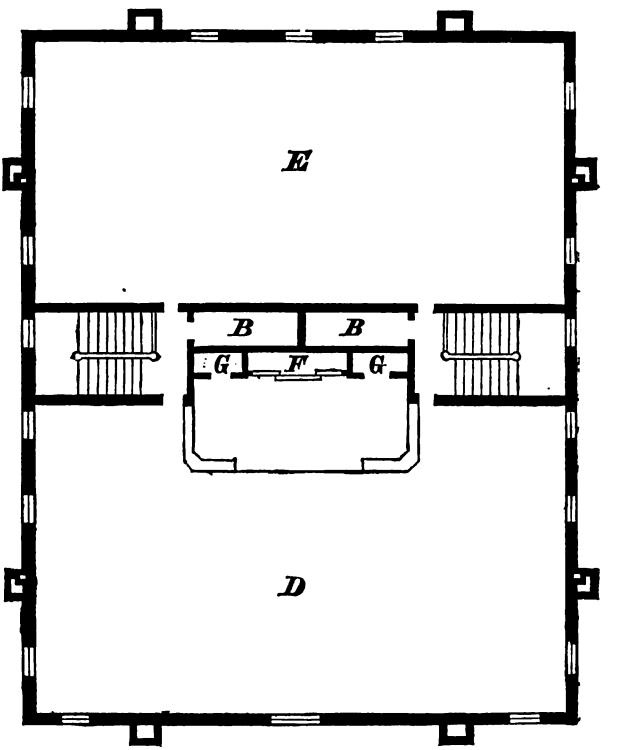
HAVEN SCHOOL—GROUND FLOOR.

A A A A — School-Rooms.

B B B B — Wardrobes.

C C C C — Teachers' Closets.

HAVEN SCHOOL HOUSE, CHICAGO, ILL.



HAVEN SCHOOL—FOURTH FLOOR.

The Haven school-building, Chicago, Illinois, was named after *Luther Haven*, President of the Board of Education of Chicago, at the time of its erection. It is located on Wabash avenue, on a lot with 150 feet front. The building is three stories high, with a basement and attic. The plans here shown are of the principal story and the attic; the latter of which (4th floor,) is 14 feet high in the clear, and contains a hall 66

feet by 38 feet 8 inches, for general exercises of the school, with closets for apparatus, teachers' closets, and wardrobes attached; and a gymnasium in which the female pupils of the school may exercise in inclement weather. Owing to the peculiar construction of the roof, this attic story is quite as serviceable for the purpose for which it was designed, as would have been either of the full stories, and it cost much less.

The basement is mainly divided into four large rooms, with corridors and stairways; one of the rooms being used for fuel, and the balance as a place of recreation for the boys in foul weather.

The principal or ground floor has four school-rooms, each having a wardrobe and teachers' closet attached; spacious corridors, with entrances on each side of the house for pupils, and a principal entrance in front. The side doors do not open directly into the corridors, but into vestibules, from which other doors open to the corridors, and also to the stairways leading to the basement.

The second and third floors only differ from the first in having windows in place of the outside doors and vestibules of the first floor; and the second floor has a reception or principal's retiring room, about 10 by 20 feet, cut off from that part of the corridor toward the front of the house.

In passing to and from the school-rooms, the pupils will generally pass through the wardrobes. Each of these rooms are wainscoted from the floor about 2½ feet high, and the corridors and wardrobes from 5 to 7 feet, with boards, neatly grained and varnished, (as is all the interior wood-work,) and above this, on each side of the rooms, are black-boards.

The rooms are ventilated through the large ventilating shafts or buttresses in the exterior walls. The building is 68 by 86 feet on the ground, and each school-room 27 by 33 feet, and thirteen feet high. The exterior is in a plain Americo-Italian style of architecture; is entirely devoid of anything like ornamentation, save in its bold, projecting buttresses, which form the ventilating and chimney shafts before mentioned; its deeply

NORTH BRANCH.

ADRIAN, MICHIGAN.

EAST BRANCH.

ADRIAN, MICHIGAN.

recessed doorway in front, with massive buttresses on each side; and its elegant *mansard* roof, the steep, sloping sides which, covered with slate, and pierced with dormer windows, gives it altogether a unique and pleasing effect. Externally, the finish of the basement, to the principal floor, is stone. Above this the building is faced with red, pressed brick, and has stone dressings to doors, windows, buttresses, &c.

The building is warmed by a boiler located in a room at the rear of the building, H, rising no higher than the basement. The whole amount of pipe for the steam, is 13,294 feet; there being in each room 161 square feet of radiating surface, or one square foot of radiating surface to 75 cubic feet of air.

The Haven school-building is designed to accommodate 756 pupils.

SCHOOL-HOUSES IN ADRIAN.

By the politeness of the Board of Education of the city of Adrian, the plates for engravings of their school buildings have been furnished for this work, and part of which are inserted. The Central building is the frontispiece. There are more expensive buildings in the State; but in architectural style, as well as in its perfect interior arrangement of halls, stairways, rooms, heating and ventilating, it must take precedence of all. It is only to be regretted that the site could not be larger; though it is as large as could well be expected, in the heart of so dense a population as surrounds it.

The general plan of the building, both exterior and interior, was designed by F. R. Stebbins, Esq., now President of the Board of Education, and the details of style and ornamentation, &c., were worked up in accordance with the plan, by Mr. A. Barrows, Architect, of Adrian. Mr. Stebbins had the general superintendence of its construction, and the people award him high praise for the economy with which it was erected. Scarcely any one fails to express surprise that it could be built for seventy-five thousand dollars. I speak of this, in illustra-

The plates for the five following designs were kindly furnished for this work by G. P. Randall, Esq., Architect, of Chicago, whose excellent taste and judgment, and extensive patronage, have done much for the architecture of public buildings in Illinois, and in other States.*

The estimated cost of the Marshall house is $40,000; that at Aurora, $65,000; that at Winona, $42,000; and that at Madison, $16,000. The cost of that at DeKalb is not given. All are designed with taste, and will give valuable hints to those designing to erect buildings of that class. In all, except the Madison building, considerable is expended mainly for architectural beauty. But such is the spirit of the age. And, is it a waste? A school-house costing twenty thousand dollars, should stand a hundred years. What if ten per cent., or two thousand dollars of that cost, is merely for ornament? It is simply the difference between a building that the next generation will perhaps tear down from very mortification, and one in which the people shall take pride, and win the applause of the world. Styles may change; but a building designed with taste, can never become unsightly. Boston would hardly duplicate Faneuil Hall at this day; yet, there it stands, venerable with a hundred years, as well as glorious in its history; and Bostonians would not exchange it for any building of later style, at twice its cost. If we expect to keep up with the varieties of style, we must build for not more than fifteen or twenty years. But this would be most expensive of all. It is economy, therefore, to build with a taste so true in itself, and not the creation of a mere fashion, that our work can bid defiance to changes in style in the future.

To do this, one of two things is absolutely requisite. The first is to obtain the aid of a skillful Architect. As well might a district board engage in a lawsuit involving fifty thousand dollars, without a lawyer, as to attempt to build a house of

* In having occasion to commend Mr. Randall's ability, it is but just to say that we have, also, Architects in our own State, of eminent ability.

HIGH SCHOOL, WINONA, MINNESOTA.

WARD SCHOOL, MADISON, WISCONSIN.

equal value, without an Architect. No man, unless he is a professional Architect, or a mechanic of so much natural taste and experience that he is such practically, can plan the details of a large building that will command admiration. Some men may think they can; and good Architects sometimes spoil a building because the owner thinks he knows the most, and insists upon his own way.

But it is not enough that we employ a man calling himself an Architect. This profession, as well as others, has its quacks. One is a mere copyist, and can do nothing except what he finds in the books, or what he has seen others do. Such a man will prove skillful in piling on the expense, if in nothing else. Another has forms of beauty struggling for development, in his own mind, never yet put upon paper, or wrought into the massive pile. He will, perhaps, accomplish more in the effect produced, with thirty thousand dollars, than another can with forty thousand. In employing an Architect, therefore, take care. Learn the cost of buildings designed by different men, and employ him who has shown ability not only to plan the best building, but to do it at the least expense.

The Madison school-house is a good, but plain building, costing sixteen thousand dollars,—such a house as the district wanted. Suppose ten per cent., or merely one year's interest on the cost, had been added for mere ornament. It would have made it equal to the North Branch house, in Adrian, which cost $13,000 in 1861. Is it not the first impression upon the mind that the latter would cost considerably the most? Or, take the High School building at Winona, costing $42,000. Suppose in a fit of economy, or parsimony, or poverty, ten per cent., or $4,200 expended for style had been saved. The building must have been as plain as that at Madison, looking all the more unsightly in proportion to its greater size.

These remarks, of course, are applicable to buildings constructed of imperishable material. If a district is obliged to

build of wood, the general style of the Madison house would be very appropriate.

The first requisite to success, as above stated, is to secure a good Architect. This, however, may be dispensed with, if you have a skillful builder, and can find a building to which he can have access, and which you propose simply to copy. With so many fine school-houses, and so great a variety in expense and style as we now have in the State, this may sometimes be done. But, in attempting this, it should be remembered that what is a perfect model in one location and situation, may not look as well in a different locality, on a differently situated site. A building in the centre of a block would be in very bad taste on a corner lot, and *vice versa*.

Our State is becoming as celebrated for its fine school buildings as it is for its school system. And the reputation of the latter has been acquired more from the interest and zeal with which the people have administered it, than from any very superior excellence in the system over that of several other States. So our noble school-houses are not the result of our school system, but the outgrowth of the intellect and heart of the people. In 1867, we expended upon school-houses, $545,437; and in 1867, $805,706; the total valuation, at the latter date, being $4,303,472. All this is done by voluntary self-taxation, and is a better criterion of the educational spirit of the people than the schools themselves, since they are maintained, to not far from half the amount, by public funds and statutory taxation. I have yet to learn of a district where a first-class house has been erected, and the people wish the money back in their pockets.

The preceding remarks have been in relation to external architecture; for there is where the heaviest expense for style and effect must be made. Mr. Randall, in his book of designs, well remarks:

"Externally, a school-house may be ornamented to suit the tastes of the people. Internally, there is no occasion for much

ornamentation beyond that of simple neatness; and this can be obtained without other expense than that of moderately moulded architectures for doors and windows, with walls wainscoted all around below the black-boards, inside blinds to the windows, and the whole grained in imitation of oak, ash, or other light woods.

"But it is the arrangement and perfection of these and numerous other details, that goes to make up a model school-house; and while it is not necessary that money should be spent in useless ornamentation, there are certain things that are absolutely necessary in a modern school building; and no community in which there are children to be educated, is so poor that it cannot afford a decent school-house."

But a word with regard to the expense. If a man pays a dollar in cash and gets an equivalent in something else, he has incurred an expense, but he has lost nothing. The money paid for shoeing a horse increases its practical value vastly more than the expense. The same is true concerning the paint upon a house. The value is much more than returned, without reference to ornament. So, money expended for a school-house is not merely a waste incident to education, bringing no material return; but it is doubtful whether there is a school-house in the State, where the property in the district is not increased by its erection more than the cost. Take a country district of six sections of land, with fifty children. It will necessarily be a tolerably well-settled, thrifty community of farmers, with well cultivated farms. Let them build a school-house costing two thousand dollars. Can any one doubt that the 3,840 acres of land in the district, with all its improvements, will be increased in value more than that amount? On the other hand, let such a district lose such a house by fire. Does any man believe he could sell his farm for as much as before, into fifty-two cents per acre? That would be about each acre's proportion of the loss. But, further: Let the district resolve that it will not re-

build, and the farm would not only depreciate in value, but it would be difficult to find a customer at all, if the owner wished to sell, as he would be likely to do, in order to go somewhere where he could educate his children.

Suppose the four millions in value of school-houses in the State were burnt up in a night, and the people should resolve that only one million should be spent to replace them? How would it affect the market value of the property of the State? What would be the effect upon immigration? Thousands have made their homes in this State because of the reputation of our common schools. Turn the dial backward; destroy that reputation at a blow; and the effect upon immigration and upon values would be astounding, could the exact loss be defined. It can only be imagined by looking at the South, where poor schools, or no schools, and cheap lands have gone together, from time immemorial. Money expended on a man's own dwelling will increase the value of his property no more than that paid in the erection of a good school-house. Let us, then, as a matter of pride, profit, and educational interest, have good school-houses, and furnished in corresponding comfort and style.

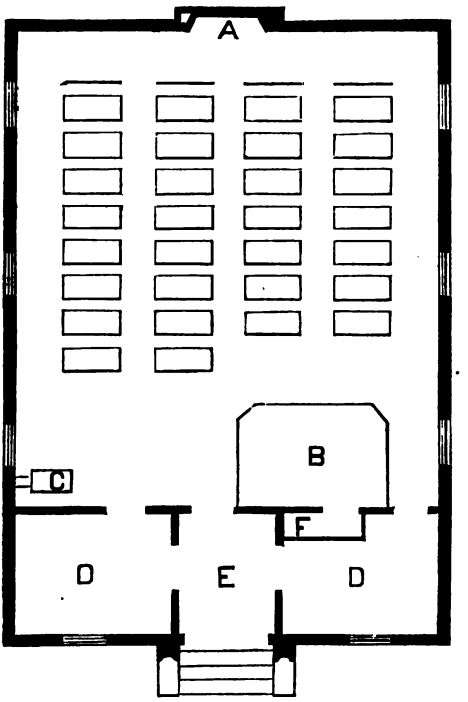
The accompanying plan for a rural district is designed for sixty-eight seats; comfortably seating sixty pupils—with eight seats in front, reserved for recitation seats. The building is plain, but with the slight additional expense of arched windows and double door, and a very little ornament upon the cupola, it will make a very good appearance.

When a district comes to have more than sixty pupils, it is recommended, not to enlarge the room, but to have two rooms, and two teachers. We have seen ninety children crowded into one small room, with one teacher. Such a proceeding is equally absurd in an intellectual and physical view.

WARD SCHOOL, DE KALB, ILLINOIS.

HIGH SCHOOL, AURORA, ILLINOIS.

DESIGN FOR RURAL DISTRICT.



A — Fire-place and Chimney.

B — Teacher's Platform.

C — Stove.

D — Wardrobes.

E — Entrance Hall.

E is the front hall, with a door directly to the school-room for teachers and visitors, (never for pupils, as a rule), and to the right and left into wardrobes D; one for boys and one for girls, from which they pass, respectively, through another door to the school-room.

B is the platform, and F, the teacher's closet.

C is the stove, the pipe going to the right, and turning at

right angles through the center of the room to the chimney, A, which has a small fire-place, with hearth, with register for the outlet of cold and impure air.

The side windows nearest the front are inserted for external appearance; but it would be well to permanently close them on the interior. The remaining four side windows, and two in the rear (not shown in the diagram), are amply sufficient; and all should be furnished with substantial inside blinds. Outside blinds go soonest to decay, and they are so inconvenient, that they will often fail to be opened or shut when they should be.

SCHOOL FURNITURE.

The time has been when a board placed against the wall for a desk, and a seat made of a slab, or plank, with round legs driven into an auger hole, on which the pupils sat facing the wall, with not a table or chair in the room, constituted the furniture of an ordinary school-room. But this was when the rich man's parlor might be described in the language of the poet—

> "The white-washed wall, the nicely sanded floor,
> The varnished clock that clicked behind the door."

Common people dreamed not of carpets, and the old fashioned clock-case reaching to the floor, like a perpendicular coffin, was a luxury for the rich.

It was an era in school matters when seats began to be made to face the center, with desks before them ten or twelve feet long, and the teacher was furnished with a plain pine table and a wooden chair. So was it when the family ceased to wash sand for the parlor floor, and made, or bought a carpet.

But the improvement in house furniture has gone on till the "varnished clock" is consigned to the garret, gilt paper takes the place of white-wash, marble that of mahogany, and rep, or plush, that of rush bottoms. The progress of ideas relative to school-houses, has pretty nearly kept pace with our advance in private dwellings; but while we feel that the coarse and scanty furniture of the past for our houses will not answer now, corresponding progress has hardly been made in our appreciation of good and tasty furniture for the school-house.

We know that convenience and beauty in our homes teach propriety and civility in our children. Should not the furnishing of the school-room teach them the same lesson? Surely, the matter can need no argument. Happily, the people have, within the past ten years, been awaking to the importance of this subject, as is shown in the fact that extensive manufactories of school furniture have sprung up in various parts of the country, and school-houses are fitted up with seats, desks, &c., from a thousand miles distant. This furniture costs somewhat more than a pine or basswood board; but it will be in good order when the pine desk would have fallen a prey to the boys' knives. And the economy with which it is manufactured by establishments doing that work exclusively, with labor-saving machinery, with styles more or less plain, brings the cost within the means of almost every district.

It is earnestly recommended, that for any school-house above the grade of a log house, the rough, uncouth, back-breaking *benches* of the past be forever discarded, and their places supplied with the easy, tasty furniture from some school furniture manufactory. It was the wish of the Superintendent to give, in this work, specimens of the furniture that can be thus obtained. Application was made to a few manufacturers for the use of their cuts; and the following engravings are a portion selected from a large number kindly furnished, without expense to the Department, by W. Chase and Son, Buffalo, N. Y. Parties wishing to purchase of this firm can, by correspondence, obtain circulars with a still larger number, including teachers' desks, book-cases, &c., and the terms of each article, indicated by the number.

No. 3.—New Primary Desk and Seat.

This Desk is designed for Primary or Intermediate Departments, made of hard wood, finished in oil, unless otherwise ordered.

Standard length 3 feet, hight of seat 12 inches.

No. 9.—Double Primary Desk and Chairs.

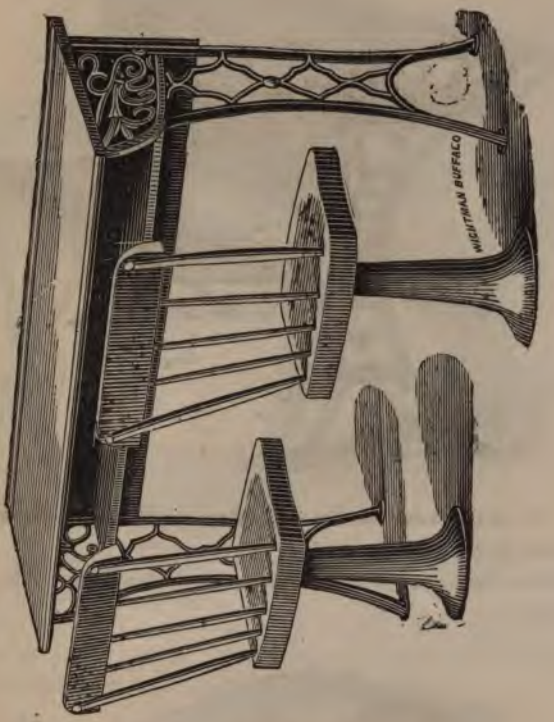
Two hights. Hight next the scholar, 22 and 23 inches.

No. 8 is the same style, for one pupil.

No. 10.--Portable Intermediate Single Desk and Chair.

Two sizes. Hight, side next the scholar, 23½ and 25 inches; 21 inches long and 14 inches wide. Hight of Chairs, 12½ and 13½ inches.

No. 11 is the same, for two pupils,



No. 14.—Grammar Double Desk. (Portable.)

Nos. 13 and 14 with back of Desk projecting above the top, as shown in Nos. 18 and 19, when so desired.

Hight of Desk, (Nos. 13 and 14,) side next to the scholar, 25½, 26½, and 28 inches. Chairs 13½, 14½ and 15½ inches. Desk 3 feet 8 inches long.

No. 13 is the same, for one pupil.

No. 51.—(New Design.) Folding Curved Seat Desk.

Five hights, same as No. 25.

This seat turns up, and is as comfortable as a seat can well be, without a cushion.

No. 17.—Single Grammar Desk and Chair.

23, 26½ and 28. Three hights. Length, 2 feet 2 inches.

No. 18 is the same, for two pupils.

No. 19.--High School Double Desk and Chairs.

Three sizes—24, 26 and 28 inches.

Each cover opens a separate apartment in the desk, designed for the exclusive use of one scholar. Made either with panel or solid tops.

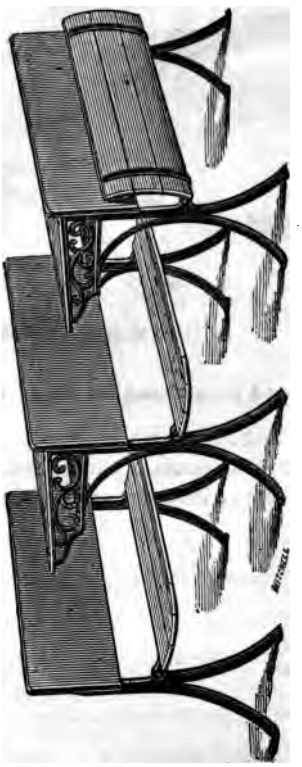
No. 20 is the same, for one pupil.

21

No. 12.—Combination Desk and Seat.

Eagle Pattern. Length, 3 feet 6 inches.

Four sizes, from 10 to 16 inches in hight. The last in each row is a seat, as in No 25. Over 30,000 of these are now in use, and give entire satisfaction.



No. 25.—Intermediate Curved Folding Seat.

Two hights, 13 and 14 inches. Length, 3 feet 3 inches.

No. 25.—Grammar Folding Seat.

Two hights, 15 and 16 inches. Length, 3 feet 6 inches.

No. 25.—Primary Curved Folding Seat.

Two hights, 11 and 12 inches. Length, 3 feet.

No. 26.--Combined Graduated Desk, with Hinge Seat.

Seat like 25, when desired.

The Graduated Desk possesses many advantages. It is so constructed as to be changed at will from a Primary to any of the higher departments.

No. 28.--Teachers' Desk.

Plain or with cloth top.

No. 33.--Teachers' Desk with two Drawers.

Inclined Top and 2 Deep Tray.
No. 34 is similar, with *iron* supports.

No. 31.--Teachers' Desk.

With Five Drawers and Closet.
No. 29 is similar in style except no Closet at the right hand.

No. 40.—Single Combination Chair Seat Desk.

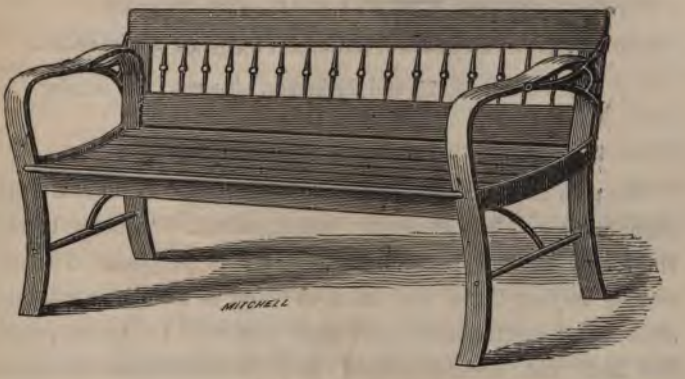
The desk and seat are so arranged that they can be lowered or raised, making three different hights—a very desirable feature in small district schools, where a large class of scholars are to be accommodated in winter, and smaller ones in summer. Three hights, 11, 13 and 15 inches.

No. 41.—Double Combination Chair Seat Desk.

This combines all the advantages of both the single and double desks.

No. 27.—Recitation Seat.

This is one of the most desirable styles of recitation seat. Hight of seat 15 inches, made any length desired; standard length, 8 feet.



Patented May 18, 1869.

No. 38.—Chase's Railroad Settee, New Design.

The legs and arms of each are in a single piece of hard wood, bent. Another style is similar, with stationary back, and the front leg and arm in one piece.

No. 23.—Collegiate Desk and Chair, with Portfolio.

Three sizes, 24, 25 and 28 inches, side next the scholar.

Samples of school furniture were expected from some other manufacturers, but have not been received. As regards style the foregoing will, perhaps, answer every purpose. The question of buying from this man or that, is not so much one of style, as of convenience, cost and quality. In these respects the facts can be ascertained in such manner as the circumstances and ability of school officers may deem best, by inquiry of those who have purchased, by correspondence, or by visiting different manufactories.

TO SCHOOL OFFICERS.

In closing this work, a few remarks to school officers in regard to their labors and duties, seem desirable.

The number of officers who are concerned, and most of them intimately so, in the administration of the school laws in the State is now about nineteen thousand. This includes county superintendents, county clerks and treasurers, town treasurers and supervisors, school inspectors and district officers. It would be surprising indeed, if, in this great number, there were not many who failed to perform their duties at all times wisely and well—some from ignorance of their duty, and some—perhaps more—from inattention and carelessness. And yet, not a failure can be made without its unhappy effect upon the great cause. These officers have the raising, safe keeping and disposal of about two and a half million dollars per annum. How are the million people for whom they do the business, to know that these funds are safely kept and properly applied? Only by the accounts being carefully kept and correctly reported.

The men who handle large sums are generally competent, and feel the importance sufficiently to secure faithfulness and correctness. But most of this money goes, at length, into the hands of the district officers; and the responsibility is divided among some fifteen thousand men. As the amount diminishes, a man is inclined to feel less responsibility; until he has an impression that a record kept in his head is all that is necessary, and his memory the only ledger required. And yet it is just as important in fact, that the accounts of two and a half million kept by fifteen thousand men, should be cor-

was suspected not to be correct, and having occasion to address him, it was found to be J. F. Olney. But many names are so badly written that they are worse than useless.

One word with regard to blanks for School Reports. The Directors usually receive theirs through the town Clerks. If the Superintendent could have the certain address of every Director, it might be better to send them by mail to each, direct from his office; but as it is, it is feared many would fail to get them. The town Clerk knows, or should know, every Director in his township, and can supply them with more certainty. It is his duty to supply each Director with his quota in season—say a week before the Annual Meeting. But if a Director does not receive his blanks, and the day for the Annual Meeting draws nigh, he should promply make inquiry of the town Clerk for them; but never think of excusing himself for weeks perhaps, because the blanks have not been *sent* him. He knowns not but they may have been sent, and miscarried; and if he never inquires he may never know, and never make his report, and the district never get its public money.

It has been proposed by some in the Legislature, to amend the law, so that no district shall draw public money, unless it not only has the requisite length of school, but also make its report both *promptly* and *correctly*. The Superintendent of Public Instruction would not advocate a measure so stringent; satisfied to appeal to the good sense and good will for the schools, of the people. It is with no spirit of fault-finding that the foregoing remarks are made. He cannot sufficiently thank the ten thousands of his co-laborers in the cause of universal Common School Education in this State. With very few exceptions, he has everywhere found the noblest spirit, the most earnest zeal, and most hearty coöperation. He sees this in the love for, and the activity and *espirit de corps* of, County Superintendents, in the abolition of the rate bill, as demanded by the people, in the erection of so many noble school-houses, in the readiness of the people to tax themselves for the schools, in the interest everywhere manifested in the Teachers' Institutes,

and the cordiality with which, from one end of the State to the other, he is everywhere greeted by men of all classes, laboring together in the great cause. Let us labor on, bearing each other's burdens, and forbearing with each other's failings, striving to make the schools as perfect, and as universal in their influence as they can be, till bigotry itself shall be disarmed, and every child of every class and every persuasion, shall be drawn to the school room, freely to obtain an education, that shall, with proper moral influences, make them virtuous and useful citizens.

This is a work we can never *finish*. So long as men are born to ignorance, they must be trained to intelligence. Ignorance and vice have no remedy in themselves. The enlightenment must come from those who are themselves somewhat enlightened. The parent must educate the child. The combined intelligence of the State has provided a system of schools alike free to all, but it is only by the individual interest and effort of the people that the system can be imbued with vitality, and the schools be made productive of their highest blessings.

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☞ The figures immediately following the subject refer to the *section* of the law.

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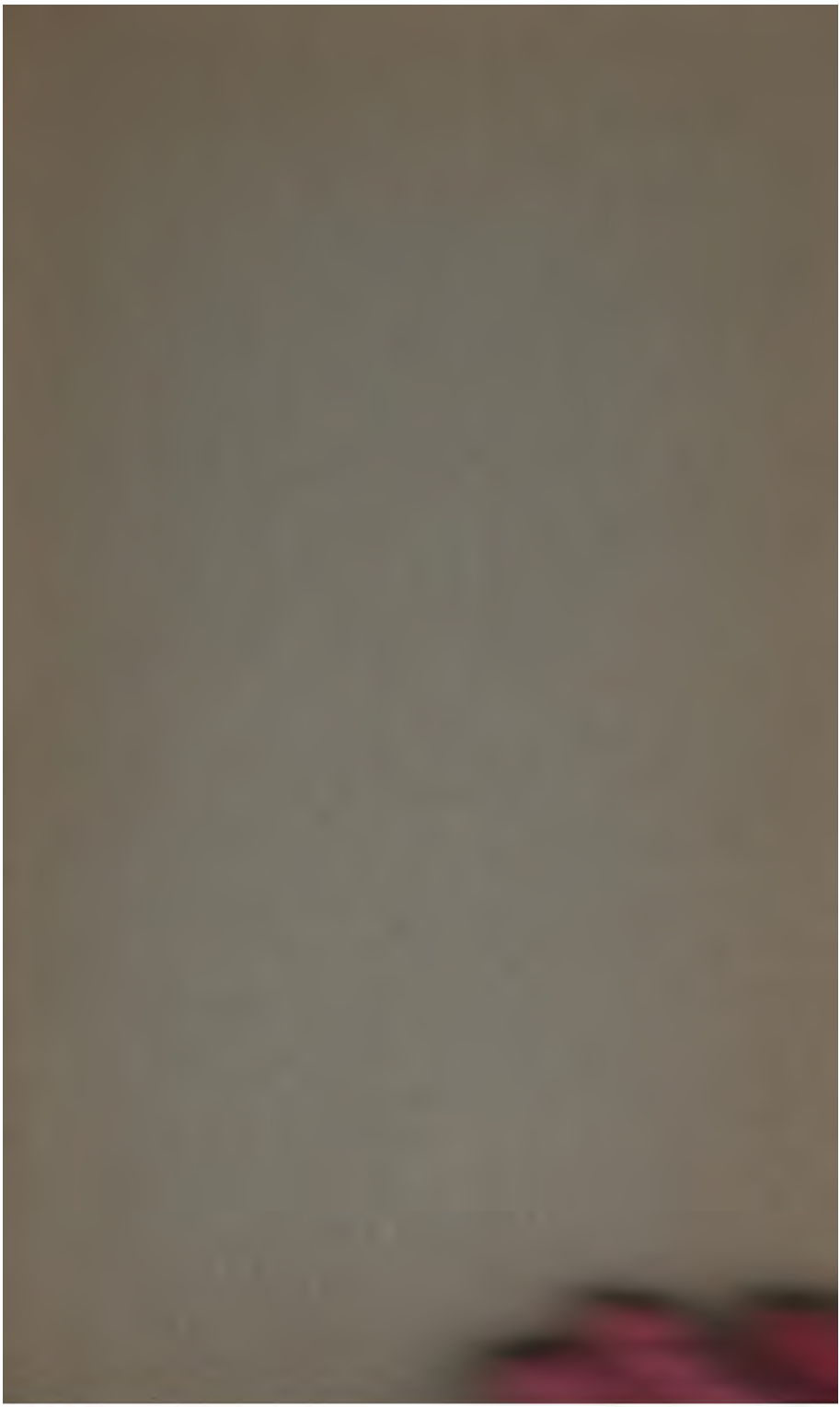
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